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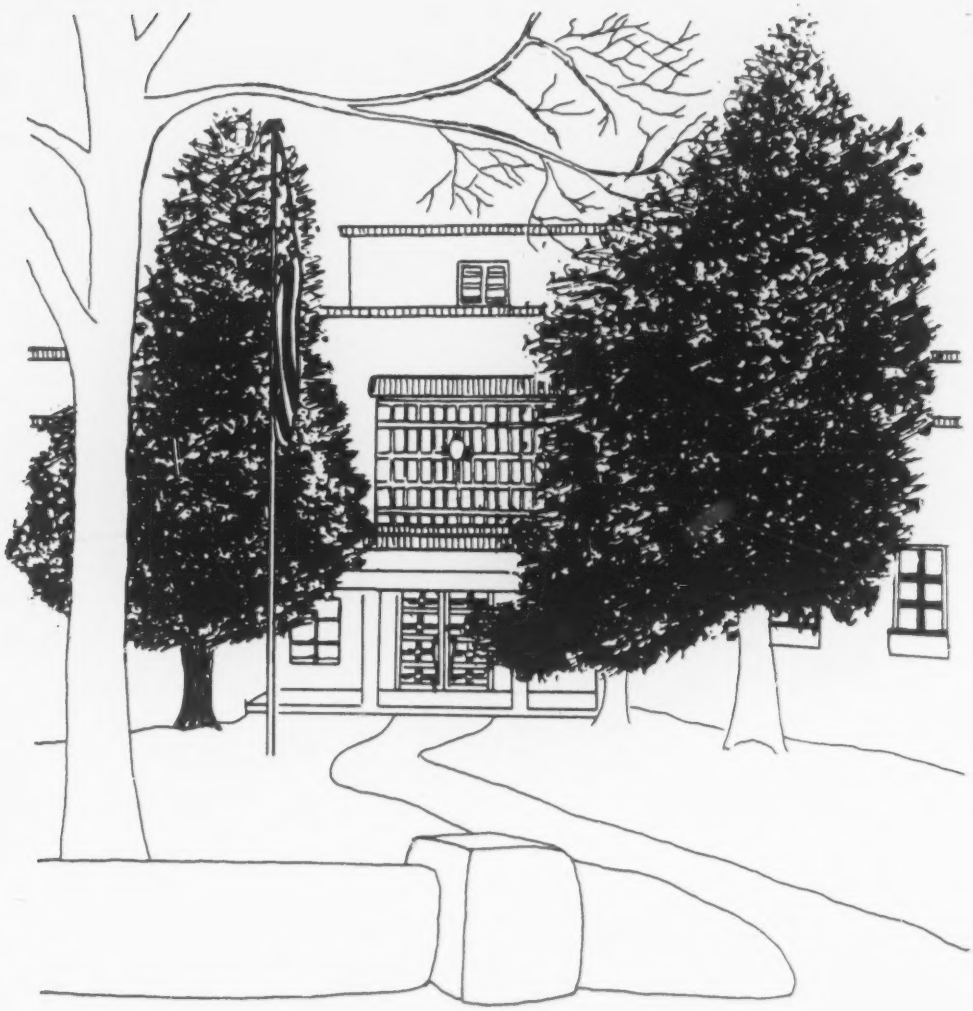
THE NEW MEXICO COURTS
1987 ANNUAL REPORT



STATE OF NEW MEXICO
JUDICIAL BRANCH

Robert L. Lovato
Director

Supreme Court of New Mexico
Administrative Office of the Courts

Supreme Court Building
Room 25
Santa Fe, New Mexico 87503
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December 31, 1987

THE HONORABLE CHIEF JUSTICE AND
JUSTICES OF THE SUPREME COURT OF
NEW MEXICO

DISTINGUISHED MEMBERS OF THE
NEW MEXICO LEGISLATURE

Pursuant to Section 34-9-3 NMSA 1978, the Administrative Office of the Courts is pleased to present for your review the 75th Fiscal Year Annual Report of the New Mexico Judicial Branch of Government. While the data are based on the fiscal year, I believe that many of the past calendar year projects, as well as upcoming projects, are worthy of discussion in this annual report.

Under the leadership of the Supreme Court, the judicial branch has made significant strides in improving the quality of the New Mexico courts. The Supreme Court has made a strong commitment to continuing judicial education by the issuance of rules governing minimum standards and requirements for not only appellate, district and magistrate judges, but municipal and probate judges as well. In addition, the Administrative Office of the Courts has instituted an active plan for training court personnel and AOC staff which will be carried out in the 76th and subsequent fiscal years.

In response to the concerns expressed during the 38th Legislature, First Session regarding the need for a performance-based pay plan for government employees, the judicial branch has undertaken a reclassification study of the judicial personnel system, which will include a new performance evaluation instrument and a revision of the judicial personnel rules.

January 1987 brought a major change in the magistrate courts in New Mexico with the advent of the full-time court system. The new system provides better access to justice for New Mexico citizens, and ensures that judges have a full-time, professional commitment to serving their communities and the state.

We appreciate the support of the Legislature in assisting the Judiciary to meet its continuing goal of ensuring that justice is administered equitably to all persons who come before the courts of this state.

Respectfully submitted,

Robert L. Lovato

ROBERT L. LOVATO, DIRECTOR
Administrative Office of the Courts

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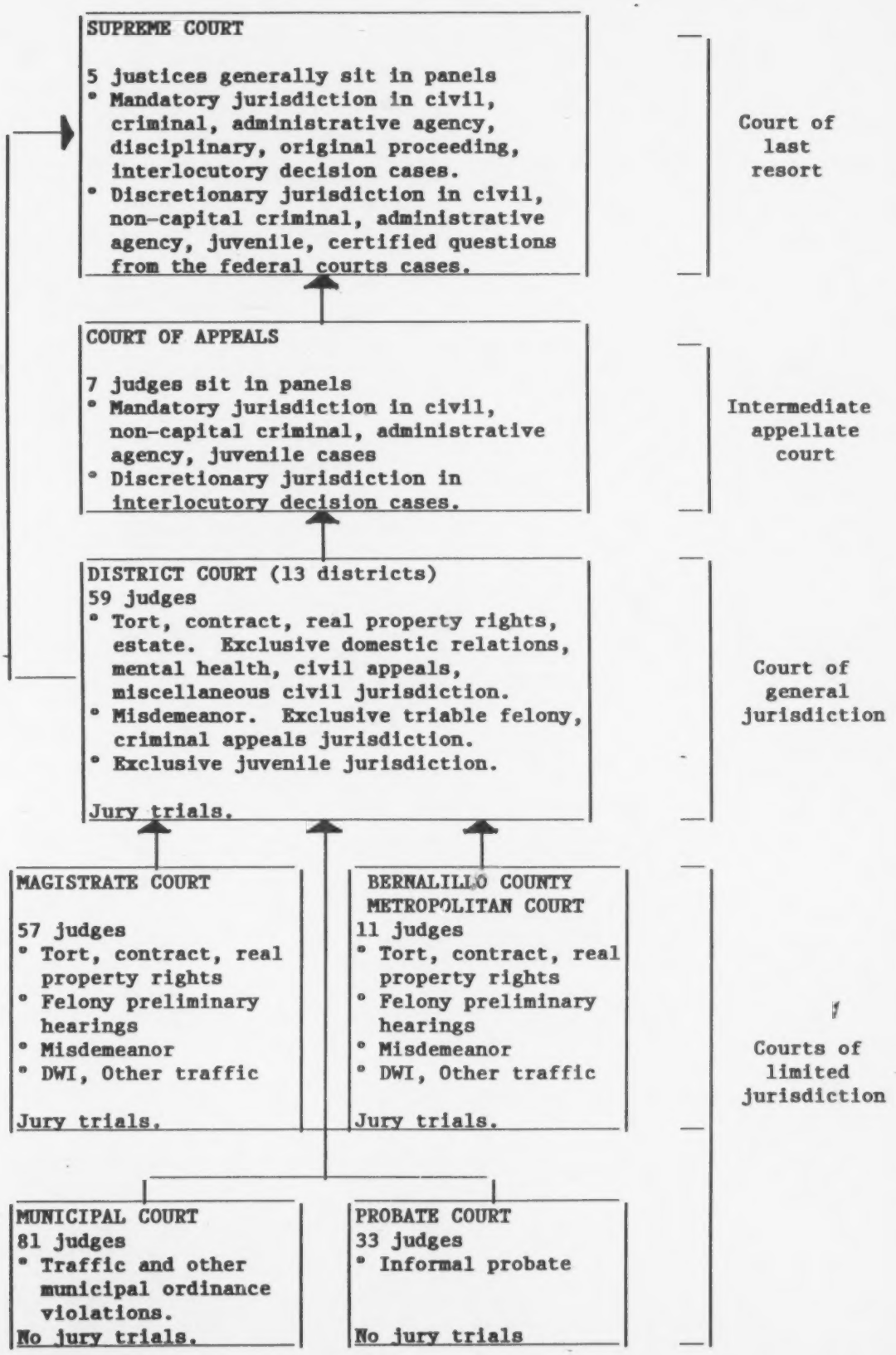
NEW MEXICO COURT SYSTEM

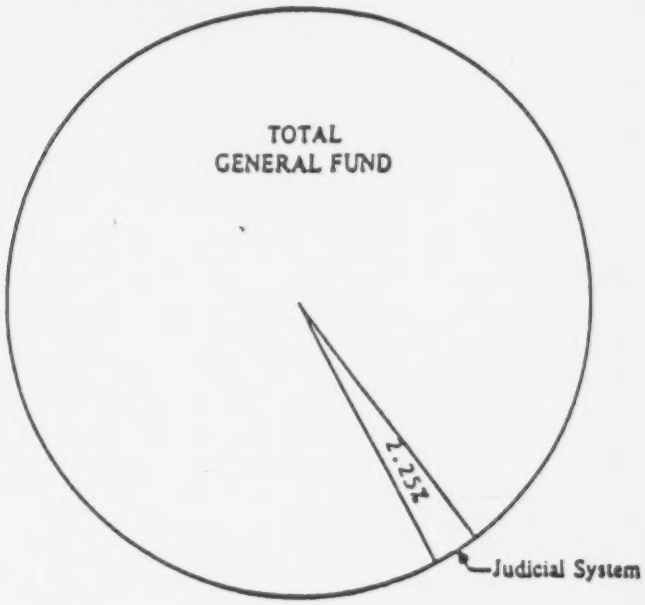

SUPREME COURT
5 justices generally sit in panels
° Mandatory jurisdiction in civil, criminal, administrative agency, disciplinary, original proceeding, interlocutory decision cases.
° Discretionary jurisdiction in civil, non-capital criminal, administrative agency, juvenile, certified questions from the federal courts cases.
Court of last resort
COURT OF APPEALS
7 judges sit in panels
° Mandatory jurisdiction in civil, non-capital criminal, administrative agency, juvenile cases
° Discretionary jurisdiction in interlocutory decision cases.
Intermediate appellate court
DISTRICT COURT (13 districts)
59 judges
° Tort, contract, real property rights, estate. Exclusive domestic relations, mental health, civil appeals, miscellaneous civil jurisdiction.
° Misdemeanor. Exclusive triable felony, criminal appeals jurisdiction.
° Exclusive juvenile jurisdiction.
Jury trials.
Court of general jurisdiction
MAGISTRATE COURT
57 judges
° Tort, contract, real property rights
° Felony preliminary hearings
° Misdemeanor
° DWI, Other traffic
Jury trials.
BERNALILLO COUNTY METROPOLITAN COURT
11 judges
° Tort, contract, real property rights
° Felony preliminary hearings
° Misdemeanor
° DWI, Other traffic
Jury trials.
MUNICIPAL COURT
81 judges
° Traffic and other municipal ordinance violations.
No jury trials.
PROBATE COURT
33 judges
° Informal probate
No jury trials
Courts of limited jurisdiction

JUDICIAL SYSTEM APPROPRIATIONS
FISCAL YEAR 1987-88

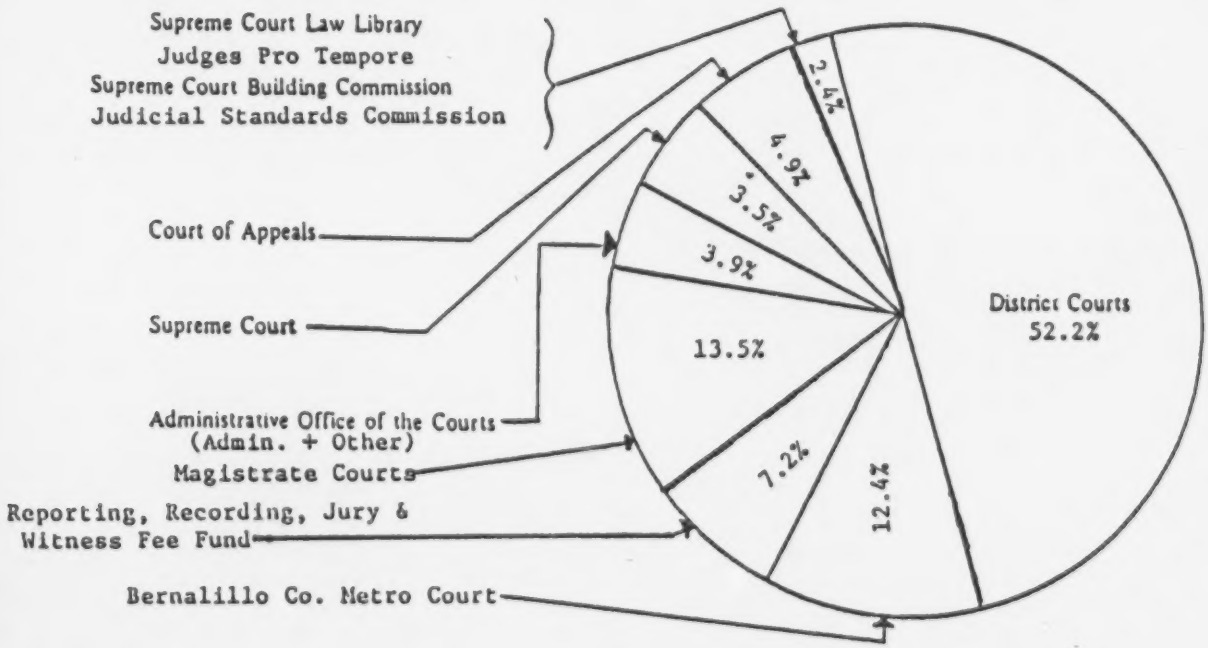
TOTAL GENERAL FUND
$1,495,100,000

JUDICIAL SYSTEM
APPROPRIATIONS*
$ 33,716,200

*Does not include District Attorneys



DISTRIBUTION OF JUDICIAL APPROPRIATIONS FISCAL YEAR 1987-88



NEW MEXICO JUDICIARY FINANCIAL SUMMARY
GENERAL FUND APPROPRIATIONS
75th, 76th and 77th Fiscal Years

Code Number	Agency	75th FY Actual	76th FY Budgeted	77th FY Requested
205	Supreme Court Law Library	$ 309,300	$ 328,000	$ 406,600
210	Judicial Standards Commission	66,900	80,400	80,800
213	Judges Pro Tempore	33,300	50,000	50,000
215	Court of Appeals	1,265,800	1,640,800	1,620,900
216	Supreme Court	1,072,500	1,192,800	1,151,100
218	Admin. Ofc. of the Courts			
	AOC Administration	1,057,400	980,400	1,118,100
	Magistrate Courts	4,160,200	4,569,200	4,914,400
	Other	333,600	344,600	430,700
	Total - AOC	5,551,200	5,894,200	6,463,200
	Hay Personnel Reclassification Study - Salary Increase			1,671,180
219	Supreme Court Building Commission	335,900	343,500	343,500
221	Reprt., Recrd., Jury & Wit. Fee Fund	2,568,700	2,418,700	2,829,400
231	First Judicial District Court	1,331,600	1,558,000	1,633,800
232	Second Judicial District Court	5,720,900	6,058,800	6,236,500
233	Third Judicial District Court	881,700	920,400	966,400
234	Fourth Judicial District Court	559,800	600,300	602,300
235	Fifth Judicial District Court	1,845,200	1,931,700	2,157,700
236	Sixth Judicial District Court	693,800	740,800	804,200
237	Seventh Judicial District Court	612,100	642,900	674,700
238	Eighth Judicial District Court	751,000	795,900	817,900
239	Ninth Judicial District Court	707,200	812,000	836,300
240	Tenth Judicial District Court	359,300	370,800	376,600
241	Eleventh Judicial District Court	1,056,100	1,063,800	1,056,800
242	Twelfth Judicial District Court	670,900	746,100	879,200
243	Thirteenth Judicial District Court	1,164,000	1,351,200	1,358,600
	Subtotal - District Courts	16,353,600	17,592,700	18,401,000
244	Bernalillo County Metro. Court	3,930,000	4,175,100	4,310,400
	Total	$ 31,487,200	$ 33,716,200	$ 37,328,080

Note: District Attorneys are excluded.

NEW MEXICO JUDICIARY
GROWTH OF GENERAL FUND APPROPRIATIONS
75th, 76th and 77th Fiscal Years

Code Number	Agency	INCREASE 76th/75th	77th/76th
205	Supreme Court Law Library	6.0%	24.0%
210	Judicial Standards Commission	20.2%	0.5%
213	Judges Pro Tempore	50.2%	0.00
215	Court of Appeals	29.6%	(1.2%)
216	Supreme Court	11.2%	(3.5%)
218	Admin. Ofc. of the Courts		
	AOC Administration	(7.3%)	14.0%
	Magistrate Courts	9.8%	7.6%
	Other	3.3%	25.0%
	Total - AOC	6.2%	9.7%
	Hay Personnel Reclassification Study - Salary Increase		NA
219	Supreme Court Building Commission	2.3%	0.00
221	Reprt., Recrd., Jury & Wit. Fee Fund	(5.8%)	17.0%
231	First Judicial District Court	17.0%	4.9%
232	Second Judicial District Court	5.9%	2.9%
233	Third Judicial District Court	4.4%	5.0%
234	Fourth Judicial District Court	7.2%	0.3%
235	Fifth Judicial District Court	4.7%	11.7%
236	Sixth Judicial District Court	6.8%	8.6%
237	Seventh Judicial District Court	5.0%	4.9%
238	Eighth Judicial District Court	6.0%	2.8%
239	Ninth Judicial District Court	14.8%	3.0%
240	Tenth Judicial District Court	3.2%	1.6%
241	Eleventh Judicial District Court	0.7%	(0.7%)
242	Twelfth Judicial District Court	11.2%	17.8%
243	Thirteenth Judicial District Court	16.1%	0.5%
	Subtotal - District Courts	7.6%	4.6%
244	Bernalillo County Metro. Court	6.2%	3.2%
	Total	7.1%	10.7%

Note: District Attorneys are excluded.

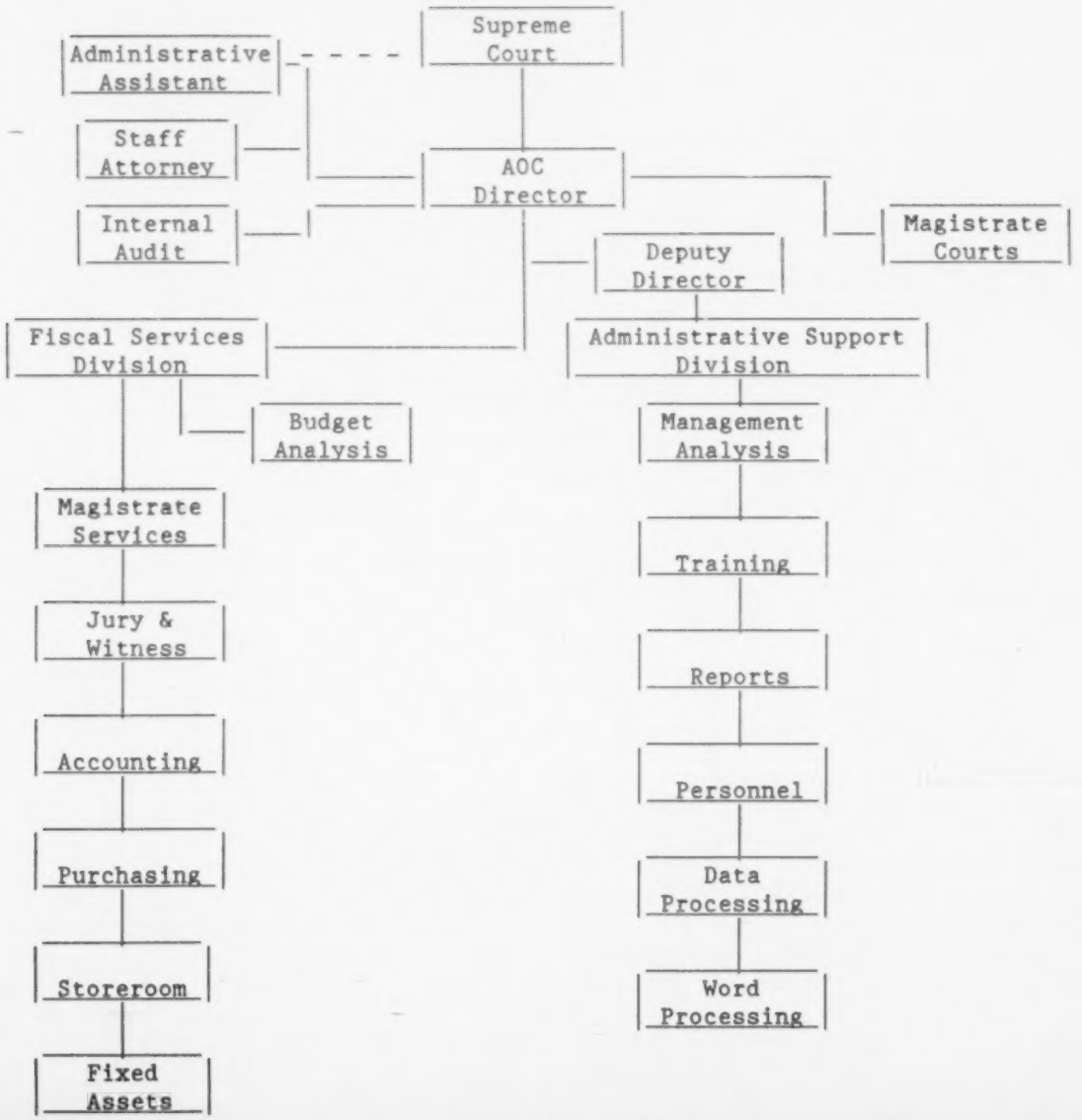
ADMINISTRATIVE OFFICE OF THE COURTS

DIRECTORY

Robert L. Lovato, Director
David Bloom, Administrative Assistant to Chief Justice
Bert Allen, Staff Attorney
Jonelle Maison, Management Analyst
Cheryl Wilson, Personnel Administrator
Jeff Varela, Personnel Specialist
Walter Kuencer, D/P Coordinator
Robert Kingsbury, Systems Analyst
Sharon Wolfe, Word Processor
Ernestine Garcia, Budget Analyst
Christina Craig, Vouchers,J&W fees
Art Montoya, Field Services Supervisor
Marco Pincheira, Mag. Field Services
Alfred Lujan, Purchasing Agent
Michelle Trujillo, Secretary

Steve H. Urist, Deputy Director
Otto F. Gaus, Chief, Fiscal Services
Donna Gary, Management Analyst
Jaymie Sullivan, Reports Liaison
Ray Chavez, Personnel Specialist
Marie Sanchez, Personnel Technician
Jim Rodriguez, Systems Analyst
Bonnie Poteet, Systems Analyst
Kathy Romero, Word Processor
Anna Montoya, Quality Control
Annette Gonzales, Operational Accts
Ed Montoya, Mag. Field Services
Marcos Arguello, Mag.Field Services
Leo Pacheco, Storekeeper
Colene Sterkel, Reception/Clerk

ORGANIZATION CHART



ADMINISTRATIVE OFFICE OF THE COURTS

Functions and Responsibilities

The Administrative Office of the Courts (AOC), under the supervision of the Supreme Court, is responsible for planning, organizing and supervising administrative programs and policies at all levels of the judicial branch. The specific statutory responsibilities are contained in Section 34-9-3 NMSA 1978. That section provides that the director shall:

A. supervise all matters relating to administration of the courts;

B. examine fiscal matters and the state of the dockets of the courts, secure information as to the courts' need of assistance, prepare and transmit to the supreme court statistical data and reports as to the business of the courts;

C. submit to the supreme court and to the legislature by January 30 of each year a report of the activities of the administrative office and of the state of business of the courts, including the statistical data submitted to the supreme court pursuant to Subsection B of this section, and the director's recommendations. This report is a public document;

D. deal with the problems of finance of those courts supported by legislative appropriation and be concerned with adequate but economical financing of each of these courts and the equitable distribution of available funds among them. For this purpose, the director shall receive, adjust and approve proposed budgets submitted by these courts for the fifty-eighth and subsequent fiscal years prior to submission of the budgets to the state budget division of the department of finance and administration for inclusion in the executive budget. The district courts of all counties within a judicial district shall be included within a single budget. Budget proposals shall be submitted by the courts at the time and in the form prescribed by the director; and

E. perform other duties in aid of the administration of justice and the administration and dispatch of the business of the courts as directed by the supreme court. The courts shall comply with all requests of the director for information.

In carrying out its statutory mandate, AOC administers the operating and capital budgets of the magistrate courts; the reporting, recording, jury and witness fund; the mental health attorneys fund; the judges pro tempore fund; and continuing judicial education appropriations. As central staff for the state's unified court system, AOC provides judicial branch personnel administration; management analysis services for all courts; systems for budget preparation, review and oversight, accounting and audit; central clearinghouse for statistical and other reports; program design and monitoring; administrative and data systems development and maintenance; and internal audit. AOC also provides operations supervision for the Supreme Court Building Commission.

Robert L. Lovato was appointed by the Supreme Court on April 1, 1987 to the position of director of the Administrative Office of the Courts; Steve Urist, formerly chief of fiscal services, was appointed as deputy director. At present, 31 employees are assigned to carry out AOC's administrative functions. There are two formal divisions, fiscal services and administrative support; in addition, internal audit and staff attorney positions report directly to Mr. Lovato.

The **Administrative Support Division**, under the direction of the deputy director, is responsible for management analysis, magistrate services coordination, the judicial personnel office and data systems analysis and development. Central staff support functions such as secretarial, word processing, clerical, reception and report and contract services are also part of this division. Duties of this division include analyzing and developing administrative policies and procedures for the courts and AOC; conducting special analytical studies; publishing and updating court and AOC manuals, forms and guidelines; compiling and analyzing court statistics; analyzing and developing court data systems; administering the judicial personnel system and plan; conducting personnel studies; training judges, clerks and other support personnel; negotiating magistrate court building and services leases; and providing other administrative support or management services as required or requested by the Supreme Court or other state courts.

The **Fiscal Services Division**, under the direction of a certified public accountant, includes financial control and magistrate field services functions. The division is responsible for magistrate accounting, data collection, payroll, inventory and purchasing; budget review and assistance for all judicial agencies; vouchering and administration of special funds, including jury and witness, mental health attorneys and judges pro tempore funds; vouchering travel requests for judges and judicial employees; managing AOC budgets; purchasing and inventory for agencies housed within the Supreme Court building; and financial audits of all the state courts.

The **Internal Auditors** perform both financial and management compliance audits to ensure that internal controls are adequate and the courts are following the proper procedures in the administration of justice.

The **Staff Attorney** serves as legal counsel for AOC and assists the courts with questions of law.

The **Administrative Assistant to the Chief Justice** has been assigned to AOC to assist with special projects of the judiciary, such as the current trial delay and weighted caseload study, and to serve as AOC's statistician.

Management Projects and Continuing Programs

During the past year, AOC has undertaken several new projects and completed others that were initiated in previous years. In addition, the office has identified important projects that will be scheduled for 1988. The following paragraphs describe some of the office's activities.

Judicial Personnel Reclassification Study

The judicial personnel plan, which was modeled after the executive branch personnel plan, was adopted by the Supreme Court in 1974. Over the years, in response to changes in the executive's plan as well as internal ad hoc adjustments, the plan became progressively less consistent and equitable. In 1986, AOC began to look seriously at the need for a complete revision of the judicial plan. During the course of its initial review, the office decided that it was a mistake to replicate the executive personnel plan because the two branches have very little in common with one another in terms of size, homogeneity or mission. In addition, AOC and the Supreme Court were concerned about the subjectivity of a personality-driven system.

The planned revision was given further impetus by the inclusion of language in the General Appropriation Act of 1987 which requested the Supreme Court to study the elimination of certain exemptions to the judicial personnel plan which had resulted in salary inequities in the district courts. The general appropriation act also required that state employee salary increases be based on performance.

In light of these two requirements as well as the Supreme Court's direction that a performance-based compensation plan be implemented in the judiciary, AOC made the personnel study its top priority.

AOC contracted with Hay Management Consultants to assist the office in its judicial personnel reclassification study. The Hay Group was selected from four companies which responded to the request for proposal. The Hay Group, one of the largest human resources management consultant firms in the world, offered the most comprehensive methodology for this job evaluation and base salary study.

The study covered 843 employees in approximately 110 job classifications. AOC requested Hay's assistance in the following areas:

(1) recommendations on revisions and consolidation of the job classification structure;

(2) an objective job content evaluation methodology in which to assess appropriate internal relationships of job classes;

(3) training of a representative committee of judicial employees in the job evaluation process;

(4) base salary analysis and recommendations;

(5) guidance in developing a performance plan based on job content; and

(6) general implementation guidelines.

That portion of the study dealing with job evaluations, job descriptions and job reclassifications was performed by a committee of judicial employees. AOC gratefully acknowledges the committee's assistance in making this study a success. The committee members were: Brenda Jo Garcia, first district, division 4 secretary; Thomas Ruiz, second district court administrator; Frederick Russillo, metropolitan court administrator; Pat Ivey, metropolitan court clerk; Jean Willis, fifth district court administrator; Larry Fowler, 11th district court administrator; Virginia Gallegos, San Juan magistrate chief clerk; Debra Taylor, 12th district JPO; Mary Utton, 13th district chief JPO; Steve Urist, AOC deputy director; Lynn Pickard, Court of Appeals prehearing director; Jeff Varela and Ray Chavez, AOC personnel specialists; Cheryl Wilson, AOC personnel research analyst; and Donna Gary, AOC management analyst.

As suspected, the study showed that the judicial branch's 110 job classifications contained many overlaps of responsibilities and inconsistencies in job titles. By eliminating or consolidating job classes where appropriate, the judicial personnel system now consists of 80 classes.

Hay found that, overall, there is a moderately good level of internal equity within the judiciary based upon increasing levels of job content and corresponding increase of salary dollars. There are, of course, some inequities that will have to be addressed in order to achieve the goal of a high degree of internal equity.

Compared to external salary surveys, the judicial branch occupies a mid-to-low competitive positioning in the marketplace. In general, Hay found that the judiciary cannot compete with either the executive branch of state government or the private sector in terms of employee salaries. This finding is consistent with the high turnover rate in the judiciary, and points to the fact that the judiciary serves as a training ground for other governmental employers or the private sector. For example, compared to large law firms in New Mexico, the judicial branch generally compensates around or below the 25th percentile; a general comparison against private sector salaries in the New Mexico, Utah, Colorado and Arizona marketplace, shows that the judicial branch is considerably lower than the 25th percentile. In relation to the executive branch, the study showed that the judicial branch compensates its nonexempt job classes (those employees to whom the Fair Labor Standards Act applies) between the range midpoint and actual average salaries; near the minimum for the majority of its exempt (those employees to whom the act does not apply) employees; and between the average to below minimum of executive branch salaries for the highest evaluated exempt job classes. As an overall trend, the judiciary pays its employees approximately 87 percent of the executive's average salaries.

Using the Hay system, judicial job classifications were evaluated and assigned points based on required know-how, problem-solving and accountability. Based on its total evaluated job content points, each job class was assigned to a salary range. The salary range is from 80 percent (minimum) to 120 percent (maximum) of the average salary per comparable classification within an identified market. For salary purposes, the judiciary has identified the executive branch as its comparable market rather than the private sector.

Where a job falls within the range is called the compa-ratio. Compa-ratio is defined as a job's relationship to the midpoint of a salary range, with the

midpoint being 100 percent. As noted above, the overall compa-ratio of the judicial branch to the executive branch of state government is 83 percent. There are approximately 450 judicial employees whose present salaries are below the 80 percent minimum of the range. The majority of the remaining employees fall between 80 percent and 100 percent of the executive compa-ratio, with a few employees at higher than 100 percent of the average executive salary.

Implementation of this study will represent a significant shift in the philosophy from most governmental personnel systems. The fundamental tenet will be changed from a personnel plan that is personality-driven, that is, paying for the person, to one that is classification-driven, that is, paying for the job. The system that results from such a change in philosophy will provide a more equitable and consistent personnel system based on objective standards of performance rather than subjective favoritism.

The new personnel plan will include quantitative and qualitative measurements to assure that: (1) an employee is accurately compensated for the required tasks of a given job classification; and (2) an employee's performance, measured against performance standards and other employees in the same or similar job, is also accurately compensated.

Another major philosophical shift recommended by Hay and supported by the judiciary is the elimination of "across-the-board" employee salary increases in favor of individual salary movement based on measured performance. While the judiciary recognizes that cost-of-living increases have been granted for years by the legislature, it believes that such increases serve to protect poor performers while serving as a disincentive to competent performers, and, thus, such increases do not promote efficiency or wise spending in salary administration. The judicial branch, and the state, should be receiving consistent, competent performance in return for the salary investment in employees. In order to assure this, the judiciary will adopt a salary program linked to performance.

The results of the judicial personnel study have been reported to judicial employees, judges and the Legislative Finance Committee, and adopted by the Supreme Court. Funding necessary to implement the plan is the number one priority of the judicial branch during the 1988 legislative session. Copies of the report are available through AOC, and staff and committee members are available to discuss the study in further detail.

Judicial Personnel Rules

The New Mexico Judicial Branch Personnel Rules Committee, a standing committee appointed by the Supreme Court, ensures that all federal action, state legislative action, case law, changes in Supreme Court rules and changes in the internal procedures of the judicial branch are incorporated into the personnel rules in a timely fashion. The committee makes its recommendations to the Supreme Court.

The committee has been working on a complete revision of the judicial personnel rules in order to incorporate legal changes, particularly those pertaining to the federal Fair Labor Standards Act, and the personnel

reclassification and compensation plan. The committee hopes to complete its revisions in January 1988.

Court Automation

The design of a court automation system is three pronged: (1) an operational system which provides the most efficient method of processing court business; (2) a management system which provides the data necessary to evaluate the efficiency and effectiveness of management decisions; and (3) an informational system which provides external sources, such as the legislature, with data that can be merged with other data to give a more complete picture of state trends.

The legislature, through the interim Justice and Criminal Procedures Committee and the Legislative Finance Committee, has shown a keen interest in the judiciary's automation efforts. Those committees, like the judiciary itself, are anxious for court automation to become a reality. However, the achievement of an integrated, worthwhile system is a complex and delicate process. The first prong is relatively simple to achieve; several courts have automated operational systems at this time that meet their individual needs for processing court business. The identification of internal data needs for management purposes becomes more complex as local- and state-level needs must mesh. Still, that level of systems design is comparatively easy to the third prong which is to design a system that has meaning to the state as a whole. The judiciary must determine who the external users will be, what information they will want and what information will be made available. At the second level, and particularly at the third level, the judiciary must balance special interest and court resources; it must accurately gauge the kinds of statistical information that will be sought, the kinds of questions that will be asked, and then balance that against the commitment of staff time to enter the information into the computer.

After completion of the judicial personnel study, the Supreme Court identified court automation as its next highest priority. A court automation committee has been appointed and given the mandate to bring to fruition the planning efforts that have been accomplished in this area. As noted below, the assistance received through the trial delay reduction study will provide important information in the gathering of management data. The committee is working with external users to identify informational needs for the third prong of the systems design.

The legislature enacted Chapter 32 of Laws 1987 to provide a funding mechanism for court automation. The bill provided for the collection of a $3.00 fee from persons convicted of violating any provision of the Motor Vehicle Code. Because of technical difficulties, the act has generated much lower revenues than were originally anticipated. Amendments to affected sections of law will be presented to the 1988 session of the legislature.

Trial Delay Reduction Study

In conjunction with court automation, the Supreme Court has taken an active interest in efficient and effective court management, and one project of

significance will be the trial delay reduction study currently being undertaken by AOC. Through the use of available federal funding and resources, AOC is being assisted in this project by the Evaluation, Management and Training (EMT) Group. The EMT group is funded by the adjudication technical assistance project of the Bureau of Justice Assistance of the United States Department of Justice. An added benefit of the trial delay reduction study will be the identification of many of the management data components that the judiciary will need to gather as it moves toward full automation of the state courts. These data will also be useful if the courts consider redistricting after the 1990 census.

Judicial Department Audit

The judiciary has a combined annual appropriation in excess of $30 million. (This figure does not include district attorney appropriations, as shown in House Bill 2, because district attorneys are not considered as part of the judicial department.) In order to ensure proper fiscal management and control, AOC has made two significant improvements this year. One is the requirement that the chief of fiscal services be a certified public accountant; the other is the implementation of a consolidated judicial audit.

The move to a consolidated audit was made after a review of past audits pointed up an inconsistent application of auditing standards across court and judicial agency lines. The 75th fiscal year audit, performed by a single auditing firm under contract with the State Auditor, provides AOC and the courts with a document that reflects the operations of the judicial branch as a whole, as well as reports on individual courts and agencies. This change in audit policy will assist in the establishment of uniform rules and procedures for the governance of judicial branch finances, as well as assist in the identification of systemic deficiencies or problems. The result will be better oversight of judicial financial matters and quicker resolution of identified problems.

Continuing Judicial Education and Employee Training

Continued judicial education and training is of vital importance to New Mexico's judiciary. In March 1987, the Supreme Court issued a rule governing mandatory continuing judicial education for magistrate, municipal and probate judges. The rule requires AOC to determine the minimum number of continuing education hours required for each jurisdiction and to approve training programs for the judges. In order to ensure adequate training, the AOC regulations mimic as closely as possible the regulations governing continuing legal education (CLE) for attorneys. In addition, all AOC programs receive CLE approval from the minimum continuing legal education (MCLE) board in order to provide CLE credits to attorney judges and to ensure quality courses for nonattorney judges.

AOC's primary training duties involve planning for the annual Magistrate College; however, it will become more involved in planning municipal and probate training sessions in the future, as well as planning annual magistrate and district court clerk training sessions. AOC provides staff support to the committee appointed each year to plan the Judicial Conclave, the annual training session for district and appellate judges.

All magistrate, metropolitan, municipal and probate judges received training in 1987. In addition, AOC planned or assisted with training for magistrate clerks, juvenile probation officers and court monitors. AOC will provide training for district court clerks in the spring of 1988.

New out-of-state travel approval procedures were instituted this past fiscal year in response to drastically reduced appropriations for this purpose. All requests must be submitted before the beginning of a fiscal year in order that all requests can be evaluated at the same time against available funds and the travel approval guidelines. AOC staff is writing travel cost guidelines to provide clearer guidance for the reimbursement of travel expenses.

In an effort to improve the skills of AOC staff, the office will be providing in-house business and administration courses. These courses will be college accredited and will provide interested participants with college credits based on the hours of instruction. Courses will be tailored to meet agency needs and staff interest.

Jury Summons Forms

A minor, but significant, advance has been made in streamlining court operations with the development of continuous-feed self-contained mailers to replace the current jury summons forms. The advantage of using these new forms is the elimination of duplication of effort. Previously, a county clerk would type a jury list, and a district court clerk would have to retype the names when sending summonses. With the mailers, the county clerk enters potential jurors' names directly on the envelope of the form, along with other information such as date, location, time of jury service, the judge's name, the juror's identification number and the date of issuance. Other pages of the packet include general information, juror information, the juror qualification questions, the juror questionnaire, a request for excuse or postponement form and a self-addressed return envelope.

Local Rules

AOC has undertaken a review of local district court rules in order to make recommendations to the Supreme Court regarding statewide adoption of those rules that are common to all or most of the districts. The aim of this study is to foster consistency of practice and procedure throughout the state. In addition, the study will compare local rules with existing state rules to determine and recommend resolution of any conflicts.

SPECIAL JUDICIAL FUNDS

Reporting, Recording, Jury and Witness Fund

In 1973, the legislature consolidated reporting, recording, jury and witness appropriations into a single fund created in the general appropriation act and appropriated to AOC. Over time, this fund also encompassed payment of interpreter fees and attorneys fees for those cases which the legislature, by statute, required that representation be provided. The reason for consolidation was the inability to predict each district's needs in a given fiscal year, and, thus, money could be more appropriately expended from a central source. In 1978, upon recommendation of an intergovernmental ad hoc committee, responsibility for payment of expert witnesses was given to the district attorneys, the public defender and other agencies that call the experts.

A review of annual reports and other historical documents from 1971 to the present demonstrates that the judicial branch has constantly struggled with the problems of estimating and funding these trial expenses. The general trend has been the need to seek supplemental or deficiency appropriations even in the face of increasing restrictions on expenditures, and the justification of expenditures from a fund that has no statutory basis.

Each year's short-fall demonstrates a systemic failure to accurately predict total expenditures from this account. The nature of the fund will never allow for complete control because of the chance variables that exist in the judicial system as well as the legislative process. For example, a monetary change in the Per Diem and Mileage Act or the minimum wage law will result in significant changes in expenditures from the fund; actions by district attorneys or the human services department directly affect the fund; changes of venue result in increased spending from the fund; and in years like 1986, in which the fund paid expenses for five major murder trials, there is no way to protect the fund. However, AOC has taken measures to improve the predictability and accountability of the fund by instituting a requirement that district courts, district attorneys and the public defender provide monthly information concerning outstanding encumbrances (commitments not vouchered).

The greatest control over the fund will occur through the implementation of new payment guidelines which were approved by the Supreme Court effective December 1, 1987. The guidelines, which apply to payments for jurors, witnesses, interpreters and attorneys, curtail or eliminate certain expenditures. One major change is the adoption of the public defender indigency determination standard and a strict adherence to indigency determination when required. This may not, in fact, reduce costs substantially, but it will ensure that the state is paying only for those persons who cannot afford to pay for themselves.

The basic philosophy behind development of the new guidelines is one of fiscal responsibility. At each point of decision, the policy makers tried to balance the needs of justice, the needs of the affected individual and the need to control costs. For example, New Mexico jurors are among the highest paid in the nation (pay is at minimum wage); therefore, the elimination of meals except when the jury is deliberating or sequestered strikes an appropriate balance between the needs of the individual and the needs of the state to

control costs. AOC was fortunate to have an inadvertent trial period on the response to juror meals when the First Judicial District instituted the guidelines prior to adoption. The response was quite reasonable in that the jurors understood the problem and did not object to the elimination of that benefit.

AOC anticipates resistance to the changes in the guidelines, and it anticipates that there will be pressure on legislators to override them. If the judiciary, the legislature and the taxpayers are to learn that it is possible to control these trial expenses, it is important that the guidelines be given a reasonable time to work; there needs to be a "shakedown" period before informed decisions can be made as to their efficacy. AOC strongly urges that it be given the necessary time to make that determination.

The other concern regarding the reporting, recording, jury and witness fund is the confusion between the judiciary and the legislature as to what constitutes appropriate expenditures from the fund. Because there are no statutorily enacted provisions governing the fund, the two branches find themselves, at times, in opposition. For example, a portion of the fund is used to cover recording expenses, but the Legislative Finance Committee has taken exception to the use of the fund to pay for computer-assisted transcription (CAT) of the record in the Second Judicial District. Since the judicial branch has sole discretion in determining how the record will be taken in the courts of this state, the Supreme Court believes that it is wholly within its prerogative to use the fund to support the CAT project both as the current recording method in the Second Judicial District and as a demonstration to determine if CAT is a more efficient method of taking the record in all the district courts.

While the Supreme Court is firm in its belief that it has acted appropriately in carrying out its duty to manage the judicial branch, it regrets that confusion over the use of the fund has culminated in legislative dissatisfaction. In order to avoid such confusion in the future, AOC believes that the fund and its uses should be spelled out in statute.

JUDGES PRO TEMPORE FUND

Pursuant to Article 6, Section 14 of the Constitution of New Mexico, the chief justice has the authority to designate a retired district or appellate court judge to serve as judge pro tempore in the event a district judge is disqualified from hearing a case or is unable to expeditiously dispose of a case. During the 75th fiscal year, judges pro tempore were used in 16 cases in the district courts. The appropriation to the fund of $33,300 paid for all but approximately $100 of expenditures; the remainder was paid from the AOC administration account as a transfer to the fund.

Administrative Office of the Courts
Reporting, Recording, Jury and Witness Fee Fund
Expenditure of 75th (1986-87) Fiscal Year

Districts	Jurors	Witnesses	Interpreters	Attorneys	Totals
1ST	$ 201,190.21	$ 18,261.80	$ 3,600.19	$ 57,587.63	$ 280,639.83
2ND	581,048.93	58,893.87	19,969.76	154,431.76	814,344.32
3RD	69,133.08	4,874.52	8,353.13	13,302.43	95,663.16
4TH	50,120.07	2,702.88	300.00	55,879.00	109,001.95
5TH	210,667.88	34,600.52	4,041.56	56,770.30	306,080.26
6TH	19,529.68	12,401.92	5,105.96	18,450.47	55,488.03
7TH	20,739.93	2,622.34	254.54	12,810.45	36,427.26
8TH	46,778.18	10,372.45	618.72	16,113.99	73,883.34
9TH	31,183.24	15,639.68	5,199.06	24,154.29	76,176.27
10TH	29,686.73	4,541.12	1,292.18	1,325.00	36,845.03
11TH	41,939.94	4,237.62	223.00	21,446.75	67,847.31
12TH	62,730.24	16,030.60	1,356.06	23,154.62	103,271.52
13TH	98,934.05	8,967.68	1,929.10	48,183.01	158,013.84
Metro Court	80,191.19	31,176.37	24,695.86	0.0	136,063.42
Magistrate Court	30,938.37	46,000.75	18,359.43	0.0	95,298.55
	$ 1,574,811.72	$ 271,324.12	$ 95,298.55	$ 503,609.70	2,445,044.09
Miscellaneous					112,273.28
Paid Expenditures					2,557,317.37
Encumbrances					10,375.52
Reverted at June 30, 1987					1,007.11
75th Fiscal Year Appropriation					2,568,700.00
Deficit for 75th Fiscal Year (see following table)					211,406.97
Total Expenditures for 75th Fiscal Year					$ 2,780,106.97

Administrative Office of the Courts
Reporting, Recording, Jury and Witness Fee Fund
Schedule of Fees Due to Jurors, Witnesses, Interpreters & Attorneys
Deficit for 75th (1986-87) Fiscal Year

Districts	Jurors	Witnesses	Interpreters	Attorneys	Totals
1ST	$ 7,651.75	$ 164.94	$ 76.10	$ 15,425.91	$ 23,318.70
2ND	36,316.53	4,785.60	0.0	55,000.00	96,102.13
3RD	0.0	0.0	365.00	3,521.19	3,886.19
4TH	51.35	0.0	0.0	1,150.00	1,201.35
5TH	3,438.62	1,531.00	0.0	4,894.50	9,864.12
6TH	527.90	211.96	1,562.74	7,000.00	9,302.60
7TH	250.00	0.0	0.0	1,400.00	1,650.00
8TH	0.0	779.04	235.20	11,369.88	12,384.12
9TH	11,174.91	1,646.30	0.0	8,385.00	21,206.21
10TH	0.0	2,225.09	0.0	120.00	2,345.09
11TH	2,463.57	0.0	235.20	1,786.47	4,485.24
12TH	870.18	485.23	0.0	2,027.03	3,382.44
13TH	2,232.60	924.56	0.0	8,000.00	11,157.16
Metro Court	7,406.99	0.0	2,251.32	0.0	9,658.31
Magistrate Court	159.39	1,200.00	103.92	0.0	1,463.31
FY75 Deficit	$ 72,543.79	$ 13,953.72	$ 4,829.48	$ 120,079.98	$ 211,406.97

Note: FY75 deficit includes some estimates.

Payments made and in process from $ 89,821.75 State Board of Finance loan:

Jurors	$ 72,242.44
Witnesses	11,904.48
Interpreters	4,519.28
	$ 88,666.20

SUPREME COURT

Honorable William Riordan was Chief Justice of the Supreme Court through December 3, 1986, Honorable Harry E. Stowers, Jr. served from December 3, 1986 to January 6, 1987, and Honorable Tony Scarborough was elected by the Supreme Court to serve as chief justice beginning January 6, 1987. The remainder of the Supreme Court consists of Honorable Dan Sosa, Jr., Senior Justice, Honorable Mary C. Walters, Justice, and Honorable Richard E. Ransom, Justice. Chief Justice Scarborough and Justice Ransom were elected for eight-year terms at the last general election.

The Supreme Court has been very active during calendar year 1987 in projects to improve the efficiency and effectiveness of the courts of this state. Many of the activities discussed elsewhere in this report were initiated by the Court, notably, the judicial branch personnel study; increased requirements for judicial education; further control of the reporting, recording, jury and witness fees fund through the adoption of revised payment guidelines; revisions to the out-of-state travel guidelines for judges and judicial employees; and the upcoming trial delay reduction study.

The following is a recapitulation of the docket activities of the Supreme Court for the period of July 1, 1986 through June 30, 1987, as submitted by the Clerk of the Court, Rose Marie Alderete.

REPORT OF THE CLERK

On a monthly basis, new cases on the regular docket of the Court were as follows, with figures for the 74th, 73rd, 72nd and 71st fiscal years provided for comparison:

	75th	74th	73rd	72nd	71st
July	51	45	48	51	67
August	49	37	39	45	54
September	55	46	23	48	50
October	63	35	38	47	42
November	52	38	35	37	57
December	63	37	36	33	53
January	63	53	33	40	53
February	64	29	30	28	51
March	61	41	36	36	56
April	52	38	52	27	42
May	60	57	41	57	43
June	69	59	47	47	53
Totals	702	515	458	496	621

Caseload increased from 515 cases on the regular docket in the 74th fiscal year to 702 cases in the 75th fiscal year. This resulted from an increase in the number of civil cases filed, as well as an increase in the number of petitions for certiorari. Also, the Supreme Court changed the rules of procedure governing the filing of petitions for writ of habeas corpus. This resulted in an increase in the number of petitions for writ of certiorari filed pursuant to Rule 12-501.

New matters on the regular docket of the Supreme Court are in the following categories:

	75th	74th	73rd	72nd	71st
Civil	238	195	183	181	282
Criminal	5	5	8	16	27
Certiorari	296	200	153	171	167
Mandamus	22	19	13	21	21
Prohibition	53	46	40	60	73
Habeas Corpus	0	4	6	4	11
Superintending Control	12	20	29	13	14
Disciplinary Proceedings	12	16	12	10	18
Judicial Standards Commission	4	1	1	2	1
Removal from Corp. Comsn.	0	2	1	7	1
Appeal Public Serv. Comsn.	1	0	4	5	0
Writ of Error	0	0	0	0	3
Certification - Federal Court	5	2	2	3	2
Rule 32 Election Challenges & Misc.	3	5	6	3	0
Quo Warranto	2	0	0	0	0
Rule 12-501 Petition for Certiorari	49	0	0	0	0
Original Proceeding	0	0	0	0	1

Of the 238 civil cases, 17 were applications for interlocutory appeals.

The Supreme Court handed down a total of 210 Opinions/Decisions during the 75th fiscal year.

CHIEF JUSTICE TONY SCARBOROUGH		**31 Opinions/Decisions**
Affirmed	20	
Reversed	8	Closed 32 cases;
Affirmed in part, reversed in part	3	one was on rehearing; one was on certiorari.
SENIOR JUSTICE DAN SOSA, JR.		**34 Opinions/Decisions**
Affirmed	24	
Reversed	6	
Affirmed in part, reversed in part	3	
Remanded	1	One was on certiorari.
JUSTICE HARRY E. STOWERS, JR.		**24 Opinions/Decisions**
Affirmed	14	(closing 25 cases)
Reversed	5	
Affirmed in part, reversed in part	3	
Remanded	2	Five were on certiorari.
JUSTICE MARY C. WALTERS		**58 Opinions/Decisions**
Affirmed	30	
Reversed	21	
Affirmed in part, reversed in part	3	
Quashed writ	1	
Writ made permanent	1	Four were on certiorari;
Remanded	2	one on rehearing.
JUSTICE RICHARD E. RANSOM		**10 Opinions/Decisions**
Affirmed	8	
Reversed	1	
Affirmed in part, reversed in part	1	
CHIEF JUSTICE WILLIAM RIORDAN		**11 Opinions/Decisions**
Affirmed	6	
Reversed	5	One was on certiorari.
JUSTICE WILLIAM E. FEDERICI		**24 Opinions/Decisions**
Affirmed	10	
Reversed	7	
Affirmed in part, reversed in part	2	
Certification US D.Ct.	1	
Remanded	1	
Vacated Decision	1	
Writ made permanent	1	
Writ made permanent in part, quashed in part	1	
Per Curiam		**17 Opinions/Decisions**
Disciplinary Matters		

Supreme Court Docket Report

Pending Cases July 1, 1986:			
At issue - not set for oral argument		29	
Not at issue		72	
Previously submitted - under advisement		109	
		210	
Total Pending Cases on July 1, 1986			210
New cases filed Regular Docket			702
Total cases 75th fiscal year			912
Cases Disposed			
Written Opinion/Decision		210 (closing 211 cases)	
Certiorari:		305	
Denied	220		
Granted	44		
Quashed	40		
Dismissed	1		
Prohibition:		50	
Denied	25		
Made permanent	7		
Peremptory writ	10		
Dismissed	3		
Writ quashed	2		
Petition withdrawn	2		
Set supersedeas bond	1		
Mandamus:		22	
Denied	14		
Made permanent	4		
Quashed	2		
Peremptory	2		
Superintending Control:		12	
Denied	6		
Premptory writ	4		
Dismissed	1		
Quashed	1		

Original Proceedings		2	
Denied	2		
Transferred to Court of Appeals		5	
Dismissed		57	
Interlocutory:		17	
Denied	11		
Reversed partial summary judgment	1		
Granted	4		
Dismissed	1		
Rule 32 Election Challenge		1	
Reversed	1		
Disciplinary Proceedings			
Disposed of by Opinion		12	
Rule 12-501 Petitions for Certiorari:		48	
Granted	2		
Denied	46		
Judicial Standards		1	
Quo Warranto:		2	
Denied	1		
Permanent writ	1		
Total Cases Disposed			745
Total Pending Cases On Docket			167

Recap of Pending Cases As of June 30, 1987:

At issue - not set for submission	9
Not at issue	78
Previously submitted - under advisement	80
Total	167

The average elapsed time (in days) for the cases closed by written opinion/ decision was as follows:

	75th	74th	73rd	72nd	71st
From Notice of Appeal to Transcript*	94.1	85.0	86.7	73.1	100.0
From Transcript to Issue	86.6	83.0	85.1	86.3	72.0
From Issue to Submission	66.3	74.0	63.7	76.4	54.0
From Submission to Opinion/Decision	202.5	148.0	155.3	110.0	100.0
From Issue to Opinion/Decision	215.9	227.0	224.5	130.7	140.0
From Transcript to Mandate	320.9	329.0	329.7	209.8	221.0

The Supreme Court maintains a miscellaneous docket in which all matters are entered that are not assigned to the regular court docket. There were 23 matters entered on the miscellaneous docket: one habeas corpus, two certiorari, 15 mandamus, three miscellaneous, one prohibition and one superintending control.

Pursuant to the Rules of Criminal Procedure for the District Courts, an extension of time must be requested from the Supreme Court when a case cannot be brought to trial within six months from arrest or indictment. Likewise, the Children's Court rules of procedure contain provisions for obtaining extensions from the Supreme Court on matters involving adjudicatory hearings. The Metropolitan Court rules also have a provision for obtaining extensions in matters involving appeals from that court. The Supreme Court maintains files and enters orders on all of these petitions.

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* Pursuant to the Rules of Appellate Procedure, the docketing statement must be filed within a certain number of days after the filing of the notice of appeal in the district court. No table was prepared on notice of appeal to docketing statement.

There was a total of 660 petitions filed in these categories, with orders entered on all of them either granting the petitions or denying them:

Rule 6-604	578 petitions
Rule 10-308	35 petitions
Rule 10-226	42 petitions
Rule 10-223	5 petitions

Original proceedings, disciplinary matters, motions and petitions for extraordinary writs are heard by a panel of three justices each Wednesday, unless otherwise directed by the Court. The panels for the hearings are assigned by the chief justice each month on a rotating basis. The Supreme Court disposes of these matters either by order or by written opinion. The Court considered a total of 143 cases on motion days.

Petitions for writ of certiorari are submitted to the full Court without hearing, unless directed by the Court. The remainder of the cases are placed on the general calendar for disposition, and are set for oral argument or submitted to the Court on briefs only. The Court considered a total of 170 cases either on oral argument or submitted on briefs.

BOARD OF BAR EXAMINERS

The Clerk of the Supreme Court serves as secretary to the Board of Bar Examiners and is responsible for the administration of the bar examination which is given in February and July of each year. The following figures represent the results of the February 1987 and July 1987 bar examinations:

	February 1987	July 1987
Took Exam	90	192
Passed	65	156
Failed	25	36
First Timers	58	172
First Timers Passed	50	146
First Timers Failed	8	26
UNM First Timers	10	83
UNM First Timers Passed	7	68
UNM First Timers Failed	3	15
Repeaters	32	20
Repeaters Passed	15	10
Repeaters Failed	17	10
UNM Repeaters	21	14
UNM Repeaters Passed	8	8
UNM Repeaters Failed	13	6
Overall Pass Rate	72%	81%
Pass Rate First Timers	86%	85%
Pass Rate UNM First Timers	70%	82%
Repeaters Passed	46%	50%
UNM Repeaters Passed	38%	57%

COURT OF APPEALS

During the 75th fiscal year, the Court of Appeals was composed of:

William R. Hendley.....Chief Judge
Thomas A. Donnelly.....Chief Judge
William W. Bivins.....Senior Judge
A. Joseph Alarid.....Judge
Pamela B. Minzner.....Judge
Lorenzo F. Garcia.....Judge
Harvey Fruman.....Judge
Rudy S. Apodaca.....Judge

Judge Hendley was Chief Judge from July 1, 1986 through December 31, 1986. Judge Donnelly was elected as Chief Judge on January 6, 1987.

Judge Hendley retired December 31, 1986. Judge Apodaca was elected to the position.

The prehearing division had seven staff attorneys during the 75th fiscal year.

In an effort to deal with the Court's backlog of cases, the Court instituted a settlement conference program during the 74th fiscal year which was continued in the 75th fiscal year. (See Part X.) The Court also used the services of members of the state bar who volunteered to write proposed opinions. (See part XI.) In addition, several district court judges were, at the request of the Court of Appeals, designated by the Supreme Court to act as judges of the Court of Appeals. (See part XII.) The effect of the effort to reduce the backlog is shown by the decrease in open cases from 570 at the end of FY 74 to 381 open cases at the end of FY 75.

I. Jurisdiction

The appellate jurisdiction of the Court of Appeals is coextensive with the state, and the Court has jurisdiction to review on appeal: any civil action not specifically reserved to the jurisdiction of the Supreme Court by the constitution or by Supreme Court order or rule; all actions under the Workers' Compensation Act, the New Mexico Occupational Disease Disablement Law, the Subsequent Injury Act and the federal Employers' Liability Act[s]; criminal actions and postconviction remedy proceedings, except where the sentence involved is death or life imprisonment; actions for violation of municipal or county ordinances where a fine or imprisonment is imposed; decisions of certain administrative agencies of the state; and decisions in any other action as may be provided by law, Supreme Court order or rule. The 75th fiscal year was the fourth year of operation under the Supreme Court's order effective June 17, 1983 transferring jurisdiction of certain appeals to the Court of Appeals. As a practical matter, the Court of Appeals reviews appeals in all cases, either administrative or judicial, except judicial cases involving contract claims, criminal cases involving sentences of death or life imprisonment and appeals from the Public Service Commission or the State Corporation Commission.

II. Appeals Filed

During the 75th fiscal year, 661 new cases were filed. By comparison, 723 new cases were filed in the 74th fiscal year and 517 in the 67th fiscal year.

The Court of Appeals operated under three sets of procedural rules adopted by the Supreme Court. Most civil cases proceeded under the Rules of Appellate Procedure for Civil Cases. (NMSA 1978, Civ.App.R.) The second set of rules is the Rules of Appellate Procedure for Criminal, Children's Court, Domestic Relations Matters and Workers' Compensation Cases. (NMSA 1978, Crim., Child.Ct., Dom.Rel. & W/C App.R.) Pursuant to an order of the Supreme Court dated September 16, 1986, all appeals from orders or judgments entered on or after January 1, 1987 proceeded under the Rules of Appellate Procedure. (SCRA 1986, 12-101 through 607) The decrease in filings in this fiscal year occurred due to the adoption of the SCRA. Under the criminal appellate rules, an appellant had 20 days in which to file a docketing statement with the Court of Appeals after a final order of the district court. Under the SCRA an appellant has 60 days in which to file a docketing statement with the Court. Thus, a one-time 40-day lag time in new filings occurred. The Court's average filings are approximately 60 per month. In addition, the Court has experienced a lag in Workers' Compensation appeals due to the change in the Workers' Compensation law. Cases only began to filter in from the Workers' Compensation Commission in August 1987. New filings are expected to rise to previous levels in the 76th and 77th fiscal years.

Of the 661 new cases filed during the 75th fiscal year, a breakdown by the three sets of rules and by category is as follows:

CIVIL APPELLATE RULES	
Administrative Appeals	17
Docket and Affirm	7
Interlocutory Appeals	13
Other	109
Total Civil Rules Appeals	146
CRIMINAL APPELLATE RULES	
Interlocutory Appeals	13
Criminal Appeals	148
Workers' Compensation Appeals	47
Other	49
Total Criminal Rules Appeals	257
SCRA	
Interlocutory Appeals	
Civil	19
Criminal	12
Administrative Appeals	13
Criminal Appeals	96
Workers' Compensation Appeals	37
Other Civil Appeals	81
Total SCRA Appeals	258
FREE PROCESS APPEALS	
Free Process	249
Appeals by the State	51
Total Free Process Appeals	300

New cases filed in the 75th fiscal year under the three sets of rules are shown in the following table.

	Interlocs	Child. Court	Crim.	Admin. Agency	Work. Comp.	Dom. Rel.	Other Civil	Docket & Affirm	Total
Crim. App. R.	13	22	148	0	47	27	0	0	257
Civ. App. R.	13	0	0	17	0	0	109	7	146
SCRA 1986	31	14	96	13	37	16	51	0	258
	57	36	244	30	84	43	160	7	661

III. Calendaring

Appeals under the criminal appellate rules and the SCRA are initiated with the Court by the filing of a docketing statement, which includes a statement of the case summarizing all material facts, a statement of the issues to be presented on appeal and a list of supporting and contrary authorities. The docketing statement is then screened by the Court's prehearing division, which makes recommendations to the judge assigned to calendaring duties.

The following table represents a breakdown of docketing statements filed during the past fiscal year:

Docketing Statements Filed

Criminal	244
Workers' Compensation	84
Domestic Relations	43
Children's Court	36
Other Civil	64
Total Filed	**471**

Once the docketing statement is filed and reviewed, the case may be placed on one of four calendars. General, legal and limited calendars contemplate a full briefing process. A case put on a summary calendar, with summary affirmance, reversal or dismissal proposed, may be summarily disposed of by the Court unless the party opposing the proposed disposition convinces the Court to recalendar the case.

The following calendar assignments were rendered in cases under the criminal appellate rules and the SCRA during the 75th fiscal year:

Cases Calendared	Civil	Criminal	Total
Summary	164	238	402
General	12	1	13
Limited	10	11	21
Legal	4	2	6
Total	**190**	**252**	**442**

The following calendar reassignments were rendered after the time had passed for parties opposing proposed calendarings to file memoranda in response on cases originally assigned to summary calendar.

Summary Cases	Civil	Criminal	Total
Reassigned to Non-Summary	26	40	66
Reassigned to Summary	39	74	113
Disposed without opposition	66	64	130
Disposed with opposition	73	134	207
Total disposed on summary	139	198	337
Percent of cases assigned to summary and disposed on summary	85%	83%	84%
Percent of cases disposed on summary (of cases calendared)	73%	79%	76%

The above figures do not include one civil case that was pending at the end of the fiscal year because it had been remanded to the trial court. If, at the conclusion of proceedings on remand, the parties are dissatisfied with the result, the case will be back in the Court of Appeals.

IV. Dispositions

In the 75th fiscal year, there were 853 cases disposed of, or approximately 122 dispositions per judge. Dispositions include opinions, dispositive orders and transfers or certifications to the New Mexico Supreme Court. The number of dispositions is the highest annual disposition rate the Court of Appeals has ever filed. The 853 cases were disposed of as shown below with comparable figures for previous years:

	75th	74th	73rd	72nd
Transferred to Supreme Court	60	29	38	38
Dismissed by Order	147	57	49	53
By Opinion	660	440	421	450
(adjustment for opinions that were not dispositive)	-29	-7		
(adjustment for consolidations)	+15	+13	+14	
TOTALS	853	532	522	541

A breakdown by month is as follows:

	Opinion	Order	Transfer/ Certification	Totals
July	53	10	3	65
August	33	12	2	47
September	44	13	5	60
October	47	12	3	61
November	72	5	3	76
December	59	14	8	80
January	53	5	11	68
February	59	15	13	86
March	55	13	1	67
April	55	22	0	76
May	48	13	7	68
June	68	14	4	84
Adj. for Consol.				15
TOTALS	646	147	60	853

Of opinions disposing of cases, 459 cases were disposed of by 456 memorandum opinions. Memorandum opinions are not to be officially reported or published and are not to be cited as precedent. NMSA 1978, SC Misc.R. 7(c) (Repl.Pamp.1984)(withdrawn effective January 1, 1987); SCRA 12-405(C) (Recomp.1986)(formerly NMSA 1978, Crim., Child.Ct., Dom.Rel. & W/C App.R. 601(c)). 187 cases were disposed of by 175 formal opinions. The 646 cases disposed of by opinion are broken down by result in the following table:

Civil

Affirmed	222
Reversed	75
Dismissed	23
Affirmed in part and reversed in part	43
Total	**363**

Criminal

Affirmed	209
Reversed	35
Dismissed	4
Affirmed in part and Reversed in part	35
Total	**283**

The following dispositions were made on applications for orders allowing interlocutory review:

Granted	16	
Denied	35	(includes 3 granted and later quashed)
Transferred/Certified	6	
Total	57	

V. Motions

1,112 motions were filed and acted upon by the Court of Appeals during FY 75. They are broken down by category as follows:

Extensions granted		477
Briefs	293	
Transcripts	46	
Skeleton Transcripts	13	
Docketing Statements	125	
Motions for Oral Argument		12
Docket and Affirm		5
Stays		7
Rehearing		72
Granted	14	
Denied	57	
Pending	1	
Miscellaneous		539
		1112

VI. Certiorari Status Report

Notices pending at end of prior year		13
Notices filed during the 75th fiscal year		299
		312
Granted during the 75th fiscal year		45
Denied during the 75th fiscal year	250	
Notices Pending		17
		312

27 petitions for certiorari that were granted in the prior year were pending at the beginning of the 75th fiscal year. Of these and the 45 petitions for certiorari granted during the 75th fiscal year, 43 were later quashed and 14 opinions were filed by the Supreme Court. Thus, 15 petitions on which certiorari had been granted were pending at the end of the 75th fiscal year.

VI. Average Time To Dispose Of Appeals By Category

The Court places cases in five priority categories as follows:

Category 1: Interlocutory Appeals (i. Criminal and ii. Civil); and Children's Court
Category 2: Criminal
Category 3: Workers' Compensation
Category 4: Domestic Relations cases with custody/support issues, and Unemployment compensation
Category 5: Administrative Appeals, Torts (i. Medical Malpractice and ii. Other Torts), Property, Probate, Water, Domestic Relations without custody/support issues, and Other civil cases

The criminal appellate rules require a taped transcript of proceedings for cases placed on the limited calendar; no transcript of proceedings is filed in cases placed on a summary or legal calendar. The civil appellate rules permit a written transcript of proceedings in all cases. The SCRA require a transcript of proceedings (either taped or written) for cases placed on a general or limited calendar; no transcript of proceedings is filed in cases placed on a summary or legal calendar. The following tables depict the average time to dispose of appeals broken down by category. The time for issuance of mandate has not been computed. The rules state that mandate shall issue within 20 days of the final order in criminal rules cases, within 30 days of the final order in civil rule cases and within 20 days of final action by the Court of Appeals in SCRA cases, but because of motions for rehearing and petitions for certiorari to the Supreme Court, the time varies. The time for ruling on petitions for certiorari is controlled by the Supreme Court.

A. Criminal Appeals

Limited Calendar (Tapes)(85 cases)	Days
Notice of Appeal to Filing of Record	78
Record to At Issue	60
At Issue to Submission	78
Submission to Opinion	47
Total	**263**

A. Criminal Appeals (Continued)

Limited Calendar (Transcript)(4 cases)	Days
Notice of Appeal to Filing of Record	75
Record to At Issue	45
At Issue to Submission	84
Submission to Opinion	103
Total	**307**

Summary Calendar (190 cases)	
Notice of appeal to Submission	56
Submission to Opinion	5
Total	**61**

B. Children's Court Cases

Limited Calendar (9 cases)	
Notice of Appeal to Filing of Record	52
Record to At Issue	55
At Issue to Submission	83
Submission to Opinion	36
Total	**226**

Summary Calendar (22 cases)	
Notice of appeal to Submission	54
Submission to Opinion	7
Total	**61**

C. Domestic Relations Cases

Limited Calendar (29 cases)	
Notice of Appeal to Filing of Record	45
Record to At Issue	52
At Issue to Submission	300
Submission to Opinion	53
Total	**450**

Summary Calendar (27 cases)	
Notice of appeal to Submission	54
Submission to Opinion	6
Total	**60**

D. Workers' Compensation Cases

Limited Calendar (Tapes)(50 cases)	
Notice of Appeal to Filing of Record	58
Record to At Issue	52
At Issue to Submission	151
Submission to Opinion	42
Total	**303**

Limited Calendar (Transcript)(2 cases)	
Notice of Appeal to Filing of Record	62
Record to At Issue	92
At Issue to Submission	187
Submission to Opinion	27
Total	**368**

D. Workers' Compensation Cases (Continued)

Summary Calendar (54 cases)	Days
Notice of appeal to Submission	60
Submission to Opinion	4
Total	**64**

Legal Calendar (6 cases)	
Notice of Appeal to At Issue	73
At Issue to Submission	67
Submission to Opinion	29
Total	**169**

E. Civil Appeals

Not Calendared (Transcript)(114 cases)	
Notice of Appeal to Filing of Record	91
Record to At Issue	70
At Issue to Submission	463
Submission to Opinion	44
Total	**668**

Not Calendared (Tapes)(21 cases)	
Notice of Appeal to Filing of Record	82
Record to At Issue	96
At Issue to Submission	460
Submission to Opinion	45
Total	**683**

Summary Calendar (17 cases)	
Notice of Appeal to Submission	79
Submission to Opinion	8
Total	**87**

F. Interlocutory Appeals

Civil Interlocutory Cases (Tapes)(3 cases)	
Application to Filing of Record	20
Record to At Issue	37
At Issue to Submission	57
Submission to Opinion	36
Total	**150**

Civil Interlocutory Cases (Transcripts)(7 cases)	
Application to Filing of Record	24
Record to At Issue	46
At Issue to Submission	14
Submission to Opinion	55
Total	**139**

Civil Interlocutory Cases - Limited Calendar (Tapes)(1 case)	
Application to Filing of Record	23
Record to At Issue	26
At Issue to Submission	147
Submission to Opinion	25
Total	**221**

F. Interlocutory Appeals (Continued)

Civil Interlocutory Cases - Summary Calendar (1 case)	Days
Application to Submission	53
Submission to Opinion	14
Total	**67**

Criminal Interlocutory Cases - Limited Calendar (Tapes)(1 case)	
Application to Filing of Record	27
Record to At Issue	21
At Issue to Submission	40
Submission to Opinion	28
Total	**116**

Criminal Interlocutory Cases - Summary Calendar (1 case)	
Application to Submission	22
Submission to Opinion	1
Total	**23**

Criminal Interlocutory Cases - Legal Calendar (2 cases)	
Application to At Issue	81
At Issue to Submission	50
Submission to Opinion	23
Total	**154**

The average disposition time achieved by the Court in cases in priority categories 1 through 4 was five months (153.31 days). In non-priority cases, primarily category 5, the average disposition time was one year and eight months (605.09 days). The Court's programs referred to in Parts XI, XII and XIII of this report were designed to decrease the number of cases in category 5 and to minimize the average disposition time in all cases, with a special emphasis on category 5.

VIII. Hearings

A. There were 12 days of motions hearings involving 17 cases.

B. The Court held eight days of oral arguments involving 13 cases. Oral arguments were held in Santa Fe, Albuquerque and Roswell.

C. Judges of the Court of Appeals were designated to participate in four Supreme Court cases; however, prior to argument the cases were resolved or rescheduled.

D. Judges of the Court of Appeals sat as District Judges in two cases; one case was still pending at the end of the 75th fiscal year.

IX. Cases Filed In New Mexico Court Of Appeals By County

County	F.P.	Civil	Criminal	Interloc.	Doc.&Aff.	Total
Bernalillo	94	106	79	16	4	205
Cibola	2	4	1	0	0	5
Catron	0	0	0	0	0	0
Chaves	31	10	32	2	0	44
Colfax	1	1	2	1	0	4
Curry	10	7	6	1	0	14
De Baca	1	0	1	0	0	1
Dona Ana	12	25	12	2	0	39
Eddy	23	12	16	6	1	35
Grant	1	6	1	0	0	7
Guadalupe	0	1	0	1	0	2
Harding	0	0	0	0	0	0
Hidalgo	5	4	1	4	0	9
Lea	33	4	38	2	0	44
Lincoln	2	7	1	0	1	9
Los Alamos	0	0	1	1	0	2
Luna	6	5	4	1	0	10
McKinley	4	5	2	2	0	9
Mora	1	1	1	0	0	2
Otero	4	8	1	2	0	11
Quay	4	1	8	0	0	9
Rio Arriba	4	5	7	2	0	14
Roosevelt	2	4	2	0	0	6
Sandoval	1	4	1	0	0	5
San Juan	17	26	10	1	0	37
San Miguel	3	11	3	2	0	16
Santa Fe	16	29	9	8	1	47
Sierra	1	4	1	0	0	5
Socorro	2	5	1	0	0	6
Taos	1	6	0	0	0	6
Torrance	0	2	0	1	0	3
Union	8	6	2	0	0	8
Valencia	5	14	1	1	0	16
Admin.Appeals	6	30	0	1	0	31
TOTALS	**300**	**353**	**244**	**57**	**7**	**661**

X. Settlement Conferences

Pursuant to authority granted by the New Mexico Supreme Court on July 19, 1985, the Court of Appeals adopted procedures for voluntary settlement conferences. The purpose of a settlement conference is to expedite the appeal process and to assist the parties and counsel in effecting settlement at the earliest possible stage. If that cannot be done, then a secondary goal is to narrow the issues. The program is voluntary and is only used where all parties agree to a settlement conference. The judge assigned to handle the settlement conference shall not be a member of the panel assigned to decide the case should it not settle. During the 75th fiscal year, 30 cases were

assigned for settlement conferences. Of these 30 cases, 12 resulted in settlement and were dismissed by order. The average time spent on the 30 settlement conference cases was as follows:

	75th FY	74th FY
Judges' time	5.0 hours	5.1 hours
Staff time	1.5 hours	2.8 hours

XI. Advisory Committee Cases

On August 29, 1986, as an emergency measure, the Court adopted a short-term, experimental plan proposed by the State Bar of New Mexico to aid in reducing this Court's critical case backlog. The plan involves the assistance of experienced attorneys who serve without compensation as members of an advisory committee to the Court of Appeals.

Members of the advisory committee must have five years' experience in the practice of law. They deliberate in panels of three, each one of whom has the responsibility of writing and filing a proposed opinion in at least one case and of acting as a participant in two other cases. After filing of the proposed opinion, the parties have an opportunity to file response memoranda. The Court then assigns the case to three of its judges and it is considered submitted for decision. The current deadline for completion of the experimental plan is January 1, 1988.

Seventy cases were assigned to the advisory committee project in FY 75. The progress of those cases is shown below.

Withdrawn prior to proposed opinion	9
Voluntarily dismissed by the parties	2
Pending at the end of FY 75	17
Proposed opinions filed	42
Total	**70**

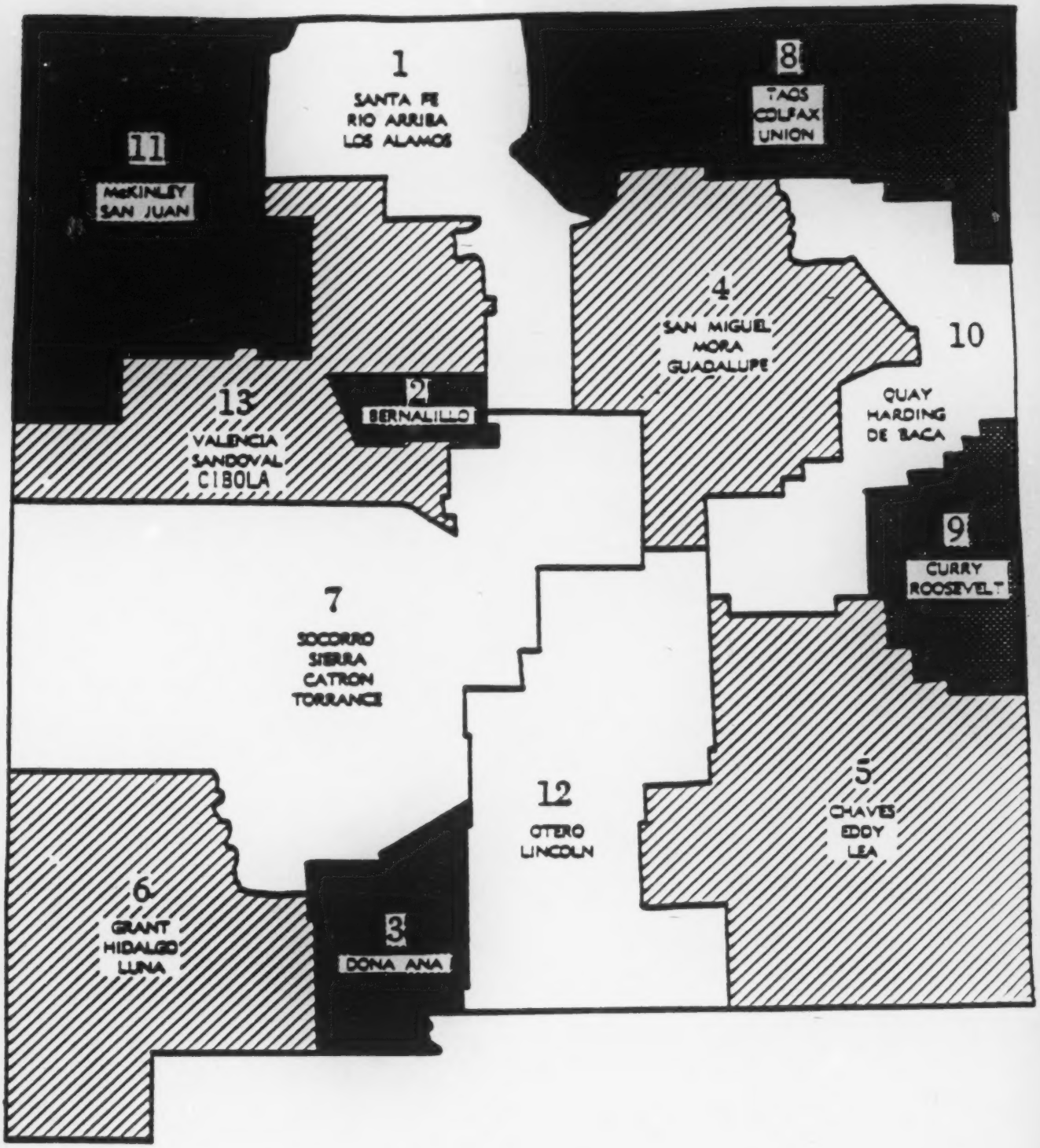
Of the 42 proposed opinions filed, the following dispositions were made:

Submitted to the Court and opinions filed	29
Transferred to the Supreme Court	5
Dismissed by order	2
Pending at the end of FY 75	6
Total	**42**

XII. District Judges

At the request of the Court of Appeals, nine District Judges volunteered and were designated by the Supreme Court to act as judges of the Court of Appeals in 11 cases. The District Judges authored nine opinions that were filed during the fiscal year. Two cases were pending at the end of the fiscal year.

JUDICIAL DISTRICTS



DISTRICT COURTS
District Court Judges - Current Roster

District/Division		Location	Judge
First	I	Santa Fe	Petra Jimenez-Maes
	II		James F. Blackmer
	III		Patricio Serna
	IV		Bruce E. Kaufman
	V		Art Encinias, Presiding Judge
	VI		Roger L. Copple
Second	I	Albuquerque	Michael E. Martinez
	II		Joseph F. Baca
	III		Frederick M. Mowrer
	IV		William Deaton
	V		Gerard W. Thomson
	VI		Wilbert C. Smith II
	VII		Philip Ashby, Presiding Judge
	VIII		Ross C. Sanchez
	IX		C. Burton Cosgrove III
	X		Rozier E. Sanchez
	XI		Richard B. Traub
	XII		Rebecca Sitterly
	XIII		John E. Brown
	XIV		W. John Brennan
	XV		Richard H. Blackhurst
	XVI		Robert L. Thompson
	XVII		Anne Kass
	XVIII		Susan Conway
	XIX		Albert S. Murdoch
Third	I	Las Cruces	Joe H. Galvan
	II		Garnett R. Burks, Jr.
	III		James T. Martin, Presiding Judge
	IV		Lalo Garza
Fourth	I	Las Vegas	Benny Flores, Presiding Judge
	II		Jay G. Harris
Fifth	I	Carlsbad	Harvey W. Fort
	II	Roswell	Alvin F. Jones
	III	Hobbs	Ralph W. Gallini
	IV	Hobbs	Patrick J. Francoeur
	V	Carlsbad	James L. Shuler
	VI	Roswell	William J. Schnedar, Presiding Judge
	VII	Hobbs	Lawrence H. Johnson

District/Division		Location	Judge
Sixth	I	Silver City	V. Lee Vesely
	II	Deming	Manuel D.V. Saucedo, Presiding Judge
Seventh	I	Socorro	Edmund H. Kase III, Presiding Judge
	II		Paul "Pablo" Marshall
Eighth	I	Raton	Leon Karelitz
	II	Taos	Joseph E. Caldwell, Presiding Judge
Ninth	I	Clovis	Reuben E. Nieves, Presiding Judge
	II	Clovis	Fred T. Hensley
	III	Portales	David W. Bonem
Tenth	I	Tucumcari	Stanley F. Frost
Eleventh	I	Aztec	Benjamin S. Eastburn
	II	Gallup	Louis E. De Pauli
	III	Aztec	James L. Brown
	IV	Farmington	Paul R. Onuska, Presiding Judge
Twelfth	I	Alamogordo	Sandra A. Grisham
	II	Alamogordo	Robert M. Doughty II, Presiding Judge
	III	Carrizozo	Richard A. Parsons
Thirteenth	I	Los Lunas	Mayo T. Boucher
	II	Bernalillo	Kenneth G. Brown
	III	Los Lunas	Tibo Chavez, Presiding Judge
	IV	Grants	Martin G. Pearl

District Courts - Activities

The district courts can be proud of their accomplishments during the last year. In the face of budget and personnel reductions and increased caseload, court staffs worked diligently not only to maintain the level of service, but to increase the overall efficiency of the courts. The clerks and the judges are to be commended for their continued dedication to the effective administration of justice in New Mexico. Following is a description of some of the efforts and improvements in the district courts.

First Judicial District
(Santa Fe, Los Alamos and Rio Arriba counties)

A new judgeship was created by the legislature, bringing the number of judges in the first district to six. The additional judge has given the court an opportunity to implement new strategies for increased productivity. The court has created separate divisions for children's court, family court, criminal court and civil court. Streamlined pre-trial practice, carefully controlled venue and trial schedules as well as other case management techniques have allowed the judges to build expertise and efficiency and provide for faster disposition of cases. The district instituted a domestic relations mediation program in accordance with Laws 1987, Chapter 153. Automation allows the court to docket over 19,000 pleadings monthly, create daily docket sheets and produce a variety of information reports on request. The district is planning future computerization to include jury management and master calendaring. With millions of dollars in court accounts, the court administrator has instituted safeguards to the court's accounting procedures, using computerized receipting and recording methods to guarantee accuracy. Personal computers in the judges' offices have greatly enhanced word processing, scheduling and record keeping; the court also has a Westlaw terminal to aid in performing legal research. Employee stress, pressure and interruptions related to traditional open counter work has been reduced by regulating access to specially trained clerks in a manner similar to banks or post offices. Safety hazards posed by accumulating thousands of pounds of paper files spurred the court's archiving project over the last two years. Over 20,000 files have been microfilmed; as a result, over 1,500 square feet of valuable space have been freed for other uses.

Second Judicial District
(Bernalillo county)

The second district has published its own annual report which details the district's accomplishments, but of particular note is the district's ability to function and improve in light of a very high turnover rate. Certain docketing and other procedures were automated, some divisions were reorganized and many dedicated clerks worked overtime to reduce clerical backlogs. The district has provided domestic relations mediation services through its court clinic for three years; Laws 1987, Chapter 153 provides a funding mechanism for continued services.

Third Judicial District
(Doña Ana county)

The clerk's office was automated in January 1986. On-line docketing and the generation of statistical reports through the docketing information has saved countless hours of staff time. This time savings has enabled the district to keep abreast of its increasing workload without an increase in staff.

Fourth Judicial District
(San Miguel, Guadalupe and Mora counties)

Due to a severe shortage of storage space, the court has been very active this year in attempting to limit the volume of filings; local rules were instituted to limit the filings of interrogatories, depositions and other discovery pleadings, as well as the filing of briefs or memoranda by attorneys. The clerk's office worked on weekends to clear approximately 438 depositions on closed cases, and notification letters are being sent to attorneys; more weekends are planned to continue clearing depositions, exhibits and tapes. The court has appointed committees to improve court activities such as the library and local rules; local rules have been revised and new rules adopted. The court has actively assisted local attorneys to reactivate the local bar and improve bar-related activities. The clerk's office worked diligently to clear old litigant trust accounts, a task that had not been done previously. A total of $52,804.18 was cleared in the three counties of the district and distributed as follows: $49,009.04 paid to litigants or deposited with the state treasurer as fines, forfeitures and court costs; and $3,795.14 reported to the taxation and revenue department as unclaimed property. The court has prepared domestic violence forms and is assisting the general public with petitions and motions filed pursuant to the 1987 Family Violence Protection Act. Taking advantage of the mediation assistance available in Bernalillo county, the district has referred several custody matters for mediation and counseling.

Fifth Judicial District
(Chaves, Eddy and Lea counties)

Chaves and Eddy counties have been automated, thus increasing the efficiency of court operations in such areas as docketing, docket setting, bookkeeping and reporting. The district has established a domestic relations mediation program pursuant to Laws 1987, Chapter 153, though it is operational in only Chaves and Eddy counties at this time. The district microfilmed record books and over 5,000 files during 1987. The district used a total of 2,547 jury hours in 1987. District clerks served on three Supreme Court or AOC committees in the past year, the personnel grievance committee, the Hay personnel reclassification committee and the automation committee.

Sixth Judicial District
(Grant, Hidalgo and Luna counties)

Effective January 1, 1987, with the retirement of Judge Norman Hodges, the Honorable V. Lee Vesely was appointed as division 1 district judge. Judge Manuel D.V. Saucedo assumed the duties of presiding judge for the district. Each county in the district is actively engaged in the continuation of its microfilming project. New local rules have been adopted pertaining to nonfiling of depositions, guidelines on reopened cases and domestic relations matters. Due to the lack of storage space, the rule governing the nonfiling of depositions will allow the court to use its space more efficiently.

Seventh Judicial District
(Catron, Sierra, Socorro and Torrance counties)

The district's management team worked at full utilization of existing staff in order to maintain its professional and efficient operation. With an eight percent increase in cases filed over the 74th fiscal year, the district has

been able to provide timely and efficient service and scheduling with no increase in staff. One court monitor assists in bookkeeping during her unscheduled courtroom time; another monitor works and is paid on an hourly basis, a cost savings to the district. One secretary travels to the district counties to maintain the libraries and is also trained to assist the clerk's office when necessary. All district employees are currently being cross-trained in other duties in order to provide staffing where necessary. Two of the four counties in the district are current in the microfilming of their records, and continuing progress is being made with the other two counties.

Eighth Judicial District
(Taos, Colfax and Union counties)

The eighth district has continued its efforts to computerize a variety of functions. The district's general ledger is now on computer, which enables clerks to post vouchers, generate reports and keep track of budget balances with greater ease; statistical reports, in particular, are easier to prepare with the installation of a HardCard in one of the computers. The district court in Union county has expanded its space, making the working area of the court less crowded. The district has made progress with its microfilming project in the Colfax court, microfilming over 4,000 files.

Ninth Judicial District
(Curry and Roosevelt counties)

The child support office assists the custodial parent in collection of child support from the noncustodial parent. The office has been very successful in accomplishing its mission; it collected over $1.8 million in 1987. Other accomplishments of the district include: (1) the renovation and reorganization of the Curry county law library; (2) promulgation of new local court rules; (3) creation of office space for the new judge and staff; (4) organization and proper formatting of all employee insurance files to meet the requirements of the risk management division; (5) microfilming and -fiching of district adoption and sequestered files from 1912-1983; juvenile files from 1915-1980; and domestic relations, civil, criminal and probate files from 1978-1983; (6) institution of procedures to collect and disburse juvenile restitution payments to victims pursuant to Laws 1987, Chapter 105; and (7) initiation of the computerization of the financial specialist's office. On October 20, 1987, the district court clerk's office sustained heavy flood damage. All computer terminals, typewriters, calculators, paper supplies, carpeting and drapes and some files were destroyed. Due to the team effort of the employees, the clerk's office was functioning in temporary quarters by the next day. The office continued to perform its duties with only one computer terminal that had been loaned until its replacements were received on December 1, 1987.

Tenth Judicial District
(Quay, Harding and DeBaca counties)

The tenth judicial district not only reduced its backlog by over 20 percent, it did so during a year when Judge Stanley Frost was out of the district a total of thirty-five days on out-of-district designations. Judge Frost's

major designations included a 14-day trial in Albuquerque and a 10-day trial in Clovis. Although the district does not have a full-time microfilm clerk, it was able to complete approximately 90 percent of its microfilming project in Quay county.

Eleventh Judicial District
(San Juan and McKinley counties)

The eleventh district has instituted a domestic relations mediation program in accordance with Laws 1987, Chapter 153. The program uses local psychologists and counselors who have had appropriate training in mediation. Judge Paul R. Onuska, current presiding judge, and several of the approved mediators attended a training session sponsored by the second district. The program in the district was designed by a committee composed of members of the local bar, the presiding judge and the court administrator. In accordance with LFC recommendations, the district has made significant changes in its court reporter and court monitoring staff. The district has converted two of the three contracts to full-time state employees, saving $14,000 per year. Court monitors are now available eight hours a day and are being cross-trained on clerk and secretarial duties. The court has completed key entry of all past criminal and children's cases, and the computerized index is complete for these cases. Work continues on indexing other types of cases.

Twelfth Judicial District
(Lincoln and Otero counties)

The twelfth district has continued to manage court operations under hopeful, but chaotic, circumstances. The Otero county courthouse has undergone a major renovation and expansion project, and the clerk's office expects its third and final move on January 6, 1988. In Lincoln county, the court has disposed of 67 percent of its cases, with a 36 percent increase in filings.

Thirteenth Judicial District
(Cibola, Sandoval and Valencia counties)

Because of the ever-increasing caseload in the district, a new judgeship was created by the legislature for Cibola county; Judge Martin G. Pearl was elected to that position beginning January 1, 1987. New quarters were provided for the judge, his staff, district court clerk and staff and juvenile probation officers by the county; furniture and equipment for all offices were provided with district court funds. In Sandoval county, a new judicial complex was approved; it is expected that the complex will be completed by October 1988. Valencia county has resumed microfilming on a full-time basis, and a request for funding has been included in the district's 1988 budget to enable the county to film all of its backlog. Procedures for receipting, filing, retrieving and duplicating of court reporter tapes and logs have been standardized throughout the district.

DISTRICT COURT CASELOAD REPORT

Presented by Judicial District, 75th (1986-87) Fiscal Year

	CIVIL CASES					DOMESTIC CASES				
	Pending 7-01-86	New Filing	Re-opened Cases	Closed Cases	Pending 6-30-87	Pending 7-01-86	New Filing	Re-opened Cases	Closed Cases	Pending 6-30-87
1st District	4090	3277	235	3203	4399	842	1196	261	1193	1106
2nd District	9563	12410	1314	13430	9857	4528	4870	1563	6277	4684
3rd District	1113	1550	58	1373	1348	428	1021	248	1248	449
4th District	449	817	339	1081	524	151	238	98	333	154
5th District	3372	3363	531	3608	3658	1068	1988	752	2551	1257
6th District	822	796	92	676	1034	516	436	159	588	523
7th District	459	601	118	599	579	163	822	173	987	171
8th District	1117	877	234	1196	1032	501	304	58	435	457
9th District	698	820	30	853	695	364	733	161	933	325
10th District	385	255	16	234	422	170	118	25	262	51
11th District	2110	1971	45	1718	2408	905	837	143	1082	813
12th District	1121	1269	288	1520	1171	369	756	120	845	400
13th District	1855	1652	583	1938	2152	678	666	237	865	1477
Total	27154	29658	3883	31429	29279	10683	13985	3998	17599	11867

DISTRICT COURT CASELOAD REPORT (Continued)

Presented by Judicial District, 75th (1986-87) Fiscal Year

CRIMINAL CASES					JUVENILE CASES					TOTAL FY 75 CASELOAD				
Pending 7-01-86	New Filing	Re-opened Cases	Closed Cases	Pending 6-30-87	Pending 7-01-86	New Filing	Re-opened Cases	Closed Cases	Pending 6-30-87	Pending 7-01-86	New Filing	Re-opened Cases	Closed Cases	Pending 6-30-87
761	775	156	1082	610	380	618	228	874	352	6073	5866	880	6352	6467
2675	3124	864	3386	3277	1784	2556	1091	3710	1721	18550	22960	4832	26803	19539
215	493	70	553	225	128	258	99	320	165	1884	3322	475	3494	2187
94	471	34	486	113	89	108	85	208	74	783	1634	556	2108	865
638	861	188	1190	497	206	419	280	723	182	5284	6631	1751	8072	5594
82	261	55	292	106	74	215	57	258	88	1494	1708	363	1814	1751
86	225	53	254	110	44	168	36	184	64	752	1816	380	2024	924
158	189	57	219	185	48	56	21	90	35	1824	1426	370	1940	1709
167	302	79	380	168	138	234	201	441	132	1367	2089	471	2607	1320
76	111	22	131	78	73	69	21	136	27	704	553	84	763	578
338	563	70	523	448	169	496	12	498	179	3522	3867	270	3821	3848
186	319	24	323	206	80	177	31	156	132	1756	2521	463	2844	1909
382	474	66	427	495	66	162	39	185	82	2981	2954	925	3415	4206
5858	8168	1738	9246	6518	3279	5536	2201	7783	3233	46974	57347	11820	66057	50897

DISTRICT COURT CASELOAD REPORT

Presented by County, 75th (1986-87) Fiscal Year

COURT	CIVIL CASES					DOMESTIC CASES				
	Pending 7-01-86	New Filing	Re-opened Cases	Closed Cases	Pending 6-30-87	Pending 7-01-86	New Filing	Re-opened Cases	Closed Cases	Pending 6-30-87
LOS ALAMOS	136	180	12	121	207	69	129	21	111	108
RIO ARRIBA	707	477	54	477	761	160	232	61	222	231
SANTA FE	3247	2620	169	2605	3431	613	835	179	860	767
BERNALILLO	9563	12410	1314	13430	9857	4528	4870	1563	6277	4684
DOÑA ANA	1113	1550	58	1373	1348	428	1021	248	1248	449
GUADALUPE	42	58	9	68	41	21	25	8	46	8
MORA	71	73	8	68	84	18	19	8	29	16
SAN MIGUEL	336	686	322	945	399	112	194	82	258	130
CHAVES	1346	951	321	1246	1372	269	652	290	936	275
EDDY	761	777	61	868	731	325	540	135	674	326
LEA	1265	1635	149	1494	1555	474	796	327	941	656
GRANT	403	436	60	344	555	298	236	128	331	331
HIDALGO	96	89	18	84	119	90	59	23	101	71
LUNA	323	271	14	248	360	128	141	8	156	121
CATRON	34	39	8	29	52	6	14	4	19	5
SIERRA	166	212	33	219	192	45	92	37	144	30
SOCORRO	157	241	45	212	231	62	116	49	167	60
TORRANCE	102	109	32	139	104	50	600	83	657	76
COLFAX	356	330	121	462	345	125	79	42	111	135
TAOS	626	435	61	544	578	351	194	9	285	298
UNION	135	112	52	190	109	25	31	7	39	24
CURRY	384	588	25	505	492	265	561	153	720	259
ROOSEVELT	314	232	5	348	203	99	172	8	213	66
DE BACA	35	27	4	26	40	10	12	3	12	13
HARDING	25	20	0	10	35	4	5	0	4	5
QUAY	325	208	12	198	347	156	101	22	246	33
MCKINLEY	230	400	23	329	324	104	155	15	129	145
SAN JUAN	1880	1571	22	1389	2084	801	682	128	953	668
LINCOLN	623	660	268	984	567	93	163	58	232	82
OTERO	498	609	20	536	604	276	593	62	613	318
CIBOLA	387	286	65	304	434	176	204	35	181	234
SANDOVAL	620	526	76	500	722	178	196	44	286	893
VALENCIA	848	840	442	1134	996	324	266	158	398	350
Total	27154	29658	3883	31429	29279	10683	13985	3998	17599	11867

DISTRICT COURT CASELOAD REPORT (Continued)

Presented by County, 75th (1986-87) Fiscal Year

CRIMINAL DEFENDANTS					JUVENILE DEFENDANTS					TOTAL FY 75 CASELOAD				
Pending 7-01-86	New Filing	Re-opened Cases	Closed Cases	Pending 6-30-87	Pending 7-01-86	New Filing	Re-opened Cases	Closed Cases	Pending 6-30-87	Pending 7-01-86	New Filing	Re-opened Cases	Closed Cases	Pending 6-30-87
44	52	9	87	18	33	45	18	70	26	282	406	60	389	359
171	173	38	251	131	115	224	67	293	113	1153	1106	220	1243	1236
546	550	109	744	461	232	349	143	511	213	4638	4354	600	4720	4872
2675	3124	864	3386	3277	1784	2556	1091	3710	1721	18550	22960	4832	26803	19539
215	493	70	553	225	128	258	99	320	165	1884	3322	475	3494	2187
20	95	6	103	18	11	8	7	23	3	94	186	30	240	70
10	26	2	31	7	7	6	5	12	6	106	124	23	140	113
64	350	26	352	88	71	94	73	173	65	583	1324	503	1728	682
189	241	84	342	172	47	83	65	159	36	1851	1927	760	2683	1855
145	261	47	322	131	123	210	151	355	129	1354	1788	394	2219	1317
304	359	57	526	194	36	126	64	209	17	2079	2916	597	3170	2422
44	115	22	121	60	31	79	28	100	38	776	866	238	896	984
11	51	13	55	20	17	43	18	56	22	214	242	72	296	232
27	95	20	116	26	26	93	11	102	28	504	600	53	622	535
7	9	3	15	4	2	3	2	5	2	49	65	17	68	63
22	94	17	92	41	15	79	8	65	37	248	477	95	520	300
32	94	18	92	52	5	41	8	44	10	256	492	120	515	353
25	28	15	55	13	22	45	18	70	15	199	782	148	921	208
34	57	26	75	42	11	27	15	43	10	526	493	204	691	532
112	119	21	117	135	36	25	3	39	25	1125	773	94	985	1036
12	13	10	27	8	1	4	3	8	0	173	160	72	264	141
89	233	62	276	108	98	222	198	426	92	836	1604	438	1927	951
78	69	17	104	60	40	12	3	15	40	531	485	33	680	369
7	5	2	8	6	4	6	1	4	7	56	50	10	50	66
2	7	0	4	5	2	6	0	8	0	33	38	0	26	45
67	99	20	119	67	67	57	20	124	20	615	465	74	687	467
46	130	11	81	106	20	99	0	72	47	400	784	49	611	622
292	433	59	442	342	149	397	12	426	132	3122	3083	221	3210	3226
33	101	20	119	35	13	37	20	38	32	762	961	366	1373	716
153	218	4	204	171	67	140	11	118	100	994	1560	97	1471	1193
136	154	19	122	187	20	37	5	34	28	719	681	124	641	883
95	112	33	132	108	31	79	28	99	39	924	913	181	1017	1762
151	208	14	173	200	15	46	6	52	15	1338	1360	620	1757	1561
5858	8168	1738	9246	6518	3279	5536	2201	7783	3233	46974	57347	11820	66057	50897

DISTRICT COURT DOCKET REPORT

New Mexico Totals By Category, 75th (1986-87) Fiscal Year

	Pending 7-01-86	New Filing	Re-opened Cases	Closed Cases	Pending 6-30-87
Civil					
Tort	4184	3756	281	3665	4572
Contract	7923	10654	1080	11084	8573
Real Estate Right	2827	3379	303	3468	3041
Estate	5102	3048	212	2357	6002
Mental Health	247	1773	679	2482	217
Workers' Comp.	1881	1262	172	2025	1290
Appeal	938	1005	49	1000	992
Extraordinary Writs	580	478	33	539	552
Sequestered	643	1215	598	1622	834
Other	2829	3088	476	3187	3206
Total	27154	29658	3883	31429	29279
Domestic					
Marriage Dis.	6971	10594	2492	12729	8089
Support/Custody	3368	3037	1382	4417	3409
Other	344	354	124	453	369
Total	10683	13985	3998	17599	11867
Criminal					
Felony	1223	1554	445	1798	1424
Other Felonies	4064	5015	1245	5830	4494
Appeals Trial Court	272	528	24	508	316
Other	299	1071	24	1110	284
Total	5858	8168	1738	9246	6518
Juvenile					
Delinquent	2183	4234	948	5330	2035
CHINS	146	209	75	334	94
Other	950	1093	1178	2119	1104
Total	3279	5536	2201	7783	3233

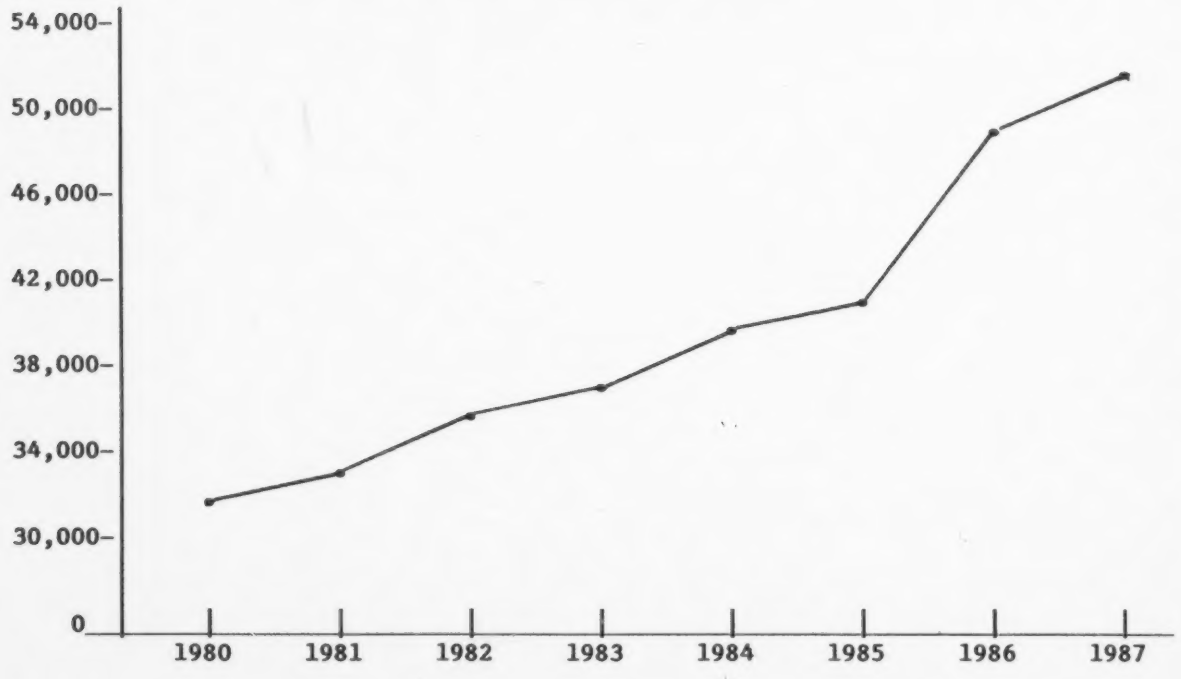
STATEWIDE DISTRICT COURT CASELOAD TREND

68th - 75th Fiscal Years

Fiscal Year	Pending Begin FY	New Filings	Reopened Cases	Closed Cases	Pending End FY
75th (1986-87)	46,974	57,347	11,033	66,057	50,897
74th (1985-86)	41,883	59,247	11,653	65,063	47,602
73rd (1984-85)	40,802	55,768	11,681	66,321	41,913
72nd (1983-84)	37,072	55,341	10,133	61,764	40,782
71st (1982-83)	34,059	59,243		55,588	37,714
70th (1981-82)	32,984	53,710		52,578	34,116
69th (1980-81)	32,573	54,187		53,983	32,777
68th (1979-80)	31,666	55,216		54,309	32,573

PENDING CASES IN N.M. DISTRICT COURTS

As of June 30 for 1980 through 1987



JUVENILE PROBATION SERVICES

The juvenile court was originally established as a responsibility of the district courts in New Mexico in 1917. This provided that juvenile probation offices could be established at the discretion of the district judges and at the expense of local county court funds. In 1932, the first of the juvenile probation offices was established in Santa Fe county. Active juvenile probation programs did not develop, however, until 1955 with the adoption of a new juvenile code. From 1917 to 1967, very little was done to provide uniform procedures and upgrading of activities through program planning and personnel training. Over the years, juvenile probation services have been placed in the district courts, the corrections department, and back in the district courts.

At present, juvenile probation services are a local district court responsibility. Children's court, a division of the district court, has exclusive original jurisdiction over all proceedings under the Children's Code in which a child is alleged to be a delinquent child, child in need of supervision or an abused or neglected child. In cases where a child is alleged to be abused or neglected, the child is placed in the custody of the human services department which then has responsibility with the district attorney for proceeding with the case. Other cases are processed through the juvenile probation offices.

In addition to the number of cases adjudicated each year, a far greater number are handled administratively by juvenile probation officers (JPO). These cases, referred to as "informal cases", are composed of those children who the JPOs feel can be helped in a manner other than adjudication. A primary goal of New Mexico's JPOs is to divert children from formal procedures and to provide them with family, group and individual counseling in hopes that these processes will discourage further involvement in the criminal justice system.

The Chief Juvenile Probation Officers' Council, composed of all chief JPOs, meets quarterly to discuss problems encountered in the juvenile probation system, and, when necessary, recommend and implement solutions to the problems. The council, as a management arm of the district judges, is also responsible for recommending appropriate training programs for JPOs statewide.

During the past year, there were several discussions about the proposed youth authority. The council supports the concept of the youth authority, insofar as it could provide for the consolidation of youth resources; however, the council continues to have concerns, including the authority's structural level and method of implementation and the JPOs' role in such an authority.

Another area of great concern to the chiefs is the complete absence of a comprehensive reporting system within the juvenile probation offices. The council's studies indicate a lack of uniformity in reporting procedures and a lack of uniformity in the most basic definitions, e.g., what constitutes a case. A council committee has been created under the direction of AOC to establish a uniform, definitive reporting system. The target date for completion of the system is July 1, 1988.

The council, with the aid and cooperation of AOC, held a two and one-half day training conference in December in Albuquerque. Guest speakers were provided by the National College of Juvenile and Family Court Judges, AOC and the

Juvenile Probation Officers' Association. The primary focus of the training was a two-day workshop by Dr. Steve Sampson on intensive interviewing techniques. Other guest speakers were Representative Raymond Sanchez, Speaker of the House; Dr. G. Larry Mays, chairman of the NMSU Criminal Justice Department; Robert Lovato and Steve Urist of AOC; and Loretta Chavez-Henry of the Corrections Department. A panel discussion of the Youth Authority Act was presented, moderated by Judge Petra Jimenez-Maes. Panel members were Representative Ruben Smith, Judge Joseph Caldwell, Judge John Brown, Judge James Martin and Mary Martinez of the Juvenile Parole Board. The conference was attended by approximately 80 JPOs. The conference was successful, and plans for a national conference in 1989 are in the formative stages.

Two additional items of note are: (1) dispositional alternatives the Chiefs' Council is undertaking to establish a resource file of possible out-of-state placements when in-state resources are unavailable; and (2) the council's concerns with the future status of the secure treatment facility for violent mentally ill adolescents. The council wholeheartedly endorses legislation to open and adequately fund this facility.

MAGISTRATE COURTS
Magistrate Court Judges - Current Roster

County/Division	Location	Judge
Catron I	Reserve Quemado (Circuit)	Robert A. Atwood
Chaves I	Roswell	Joseph D. Posz, Presiding Judge
Chaves II	Roswell	John W. McLemore
Cibola I	Grants	W. Frank Emerson
Cibola II	Milan	Marion K. Gregger
Colfax I	Raton	Archie A. Valdez
Colfax II	Springer Cimarron (Circuit)	Margarito Arellano
Curry I	Clovis	Ottis Foster, Presiding Judge
Curry II	Clovis	Richard A. Burke
De Baca I	Ft. Sumner	Thomas P. Rogers
Doña Ana I	Las Cruces	J. Roberto Rodriguez, Presiding Judge
Doña Ana II	Las Cruces	Benjamin B. Rios
Doña Ana III	Las Cruces Anthony (Circuit)	Ruben J. Maynez
Eddy I	Carlsbad	Steven E. Clark
Eddy II	Carlsbad	Nancy F. Beard, Presiding Judge
Eddy III	Artesia	Donald W. Price
Grant I	Silver City	John H. Scholl
Grant II	Bayard	Y.B. Morales
Guadalupe I	Santa Rosa Vaughn (Circuit)	Arcenio C. Sanchez
Harding I	Roy	Mae Nucci
Hidalgo I	Lordsburg	Rosa Lina Salinas
Lea I	Lovington	Vickey A. Flemmons
Lea II	Hobbs	J. Ralph Wrinkle
Lea III	Eunice	Don W. Gladden
Lea IV	Tatum Jal (Circuit)	Virginia Pior Don W. Gladden
Lincoln I	Carrizozo	Gerald Dean, Jr.
Lincoln II	Ruidoso	James R. Wheeler
Los Alamos I	Los Alamos	Marthanne Cole

County/Division	Location	Judge
Luna I	Deming	Fred C. De La O, Jr.
McKinley I	Gallup	Lidio G. Rainaldi, Presiding Judge
McKinley II	Gallup	Paris C. Derizotis
McKinley III	Thoreau	John J. Carey
Mora I	Mora	Rudy C. Montoya
Otero I	Alamogordo	Reynaldo S. Cordova
Otero II	Alamogordo	Henry M. Prelo
Quay I	Tucumcari San Jon (Circuit)	J. Bronson Moore
Rio Arriba I	Chama	Baltazar Archuleta
Rio Arriba II	Española	Richard C. Martinez
Roosevelt I	Portales	Jesse Porter
Sandoval I	Bernalillo	Bennie Lovato
Sandoval II	Cuba	Richard Velarde
San Juan I	Aztec	Ola Mae Hynson
San Juan II	Farmington	J. Ellen Holloway, Presiding Judge
San Juan III	Farmington	Terry L. Pearson, Sr.
San Miguel I	Las Vegas	Luis Martinez
San Miguel II	Las Vegas	Oliver Hern
Santa Fe I	Santa Fe	Eugene F. Romero, Presiding Judge
Santa Fe II	Santa Fe	Isaac R. Archuleta
Santa Fe III	Santa Fe Pojoaque (Circuit)	George Anaya, Jr.
Sierra I	T or C	Totsie Norton Williams
Socorro I	Socorro	Ignacio N. Garcia
Taos I	Taos	Walter F. Herrera
Taos II	Taos Questa (Circuit)	Betty J. Gonzales, Presiding Judge
Torrance I	Moriarty Estancia (Circuit)	Jean Williams
Union I	Clayton	Herbert S. Blakely
Valencia I	Los Lunas	Toribio L. Perea
Valencia II	Belen	Gillie Sanchez

The Judiciary was saddened by the death of Judge Clay H. McCook, Magistrate of Union County.

Magistrate Courts - Activities

Full-Time Magistrate System

1987 was a landmark year for the magistrate courts with the institution of a full-time magistrate system beginning January 1. The process began in 1984 with a request from the House Appropriations and Finance Committee that the Administrative Office of the Courts examine factors other than caseload when allocating judicial and clerical resources in the magistrate courts. AOC requested the assistance of the Magistrate Advisory Committee, composed of Judge Totsie Norton Williams, Senator W.S. (Smitty) Eoff, Senator Les Houston, Senator Alfred Nelson, Representative Maurice Hobson, Representative Toby Michael, Representative Ruben Smith, Judge Nancy Beard, Judge Paris Derizotis, Judge Lauren Romero, Judge William Short and Judge Archie Valdez.

Following the committee's recommendations, the legislature approved statutory amendments that made all but two judges full time and streamlined the system by abolishing unnecessary courts and providing circuit courts where needed. The number of judgeships were reduced from 68 to 56, although one judgeship was created in House Bill 2 of the 1987 session bringing the total to 57. Following is summary information from the magistrate study:

Courts phased out:

Springer (Colfax)(recreated in HB 2 of 1987)
Capitan (Lincoln)
Orogrande (Otero)
Llano (Taos)
Tres Piedras (Taos)
Mountainair (Torrance)
Hatch (Dona Ana)
Tierra Amarilla (Rio Arriba) (replaced by court in Chama)
Santa Cruz (Santa Fe)

Circuit courts:

Quemado (Catron)
Cimarron (Colfax)
Anthony (Dona Ana)
Vaughn (Guadalupe)
Jal (Lea)
Questa (Taos)
San Jon (Quay)
Estancia (Torrance) (new court)
Pojoaque (Santa Fe) (new court)

Part-time courts remaining:

Thoreau (McKinley)
Tatum (Lea)

The Magistrate Advisory Committee also adopted the following statement of the service mission of the magistrate courts:

> TO PROVIDE FOR THE ACCESSIBLE, FAIR, TIMELY AND EFFICIENT DISPOSITION OF THOSE MATTERS PROPERLY UNDER ITS JURISDICTION IN DIGNIFIED SURROUNDINGS BY MAGISTRATES AND CLERKS WHO ARE RESPONSIBLE, WELL QUALIFIED AND ABOVE ETHICAL REPROACH.

That mission statement serves well to illustrate the advances made in the magistrate system since its creation in 1968. Magistrates, clerks and AOC are committed to the continued improvement of the system.

Magistrate Court Housing

When the full-time court system became effective, two courts needed to be created and a number of court locations were found to be inadequate. AOC has worked with the courts and local lessors to relocate or remodel 14 facilities in order to improve court housing.

Training

As mentioned earlier in this report, training for magistrates and clerks is a high priority. This year's Magistrate College was expanded to offer more courses, and all courses met the same standards required of courses offered to attorneys. In October, AOC sponsored a training conference for magistrate clerks. Because it was the first training in three years, it was designed as a basic "nuts and bolts" session. Fifty-nine clerks attended, at least one from all but two courts. A portion of the agenda was devoted to an exchange between the clerks and AOC staff regarding how AOC can improve services to the courts. Next year, AOC plans to provide an expanded clerk training program, for all clerks, at the same time the Magistrate College is held.

Magistrate Clerk's Manual

AOC's next major project related to magistrate clerks is a revision of the clerk's manual. This project will begin within the first few months of 1988 in order to have the revision complete by the next training session. AOC will provide staff services to an appointed committee of clerks.

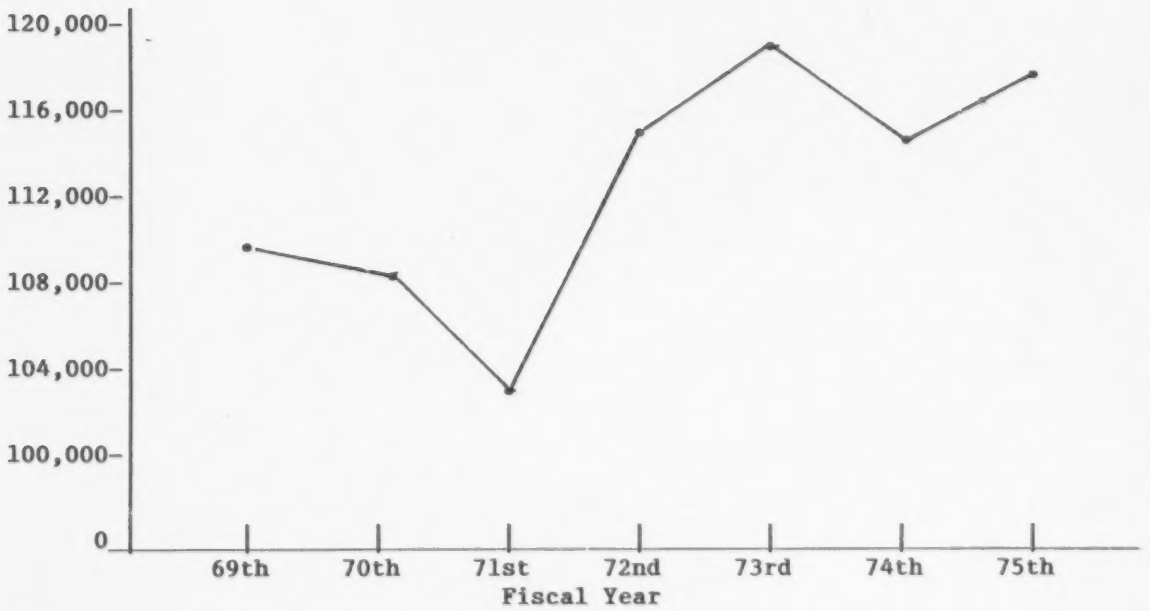
STATEWIDE MAGISTRATE COURT CASELOAD TREND

69th - 75th Fiscal Years

FISCAL YEAR	CIVIL	MIS-DEMEANOR	DWI	TRAFFIC	FELONY	TOTAL
75th (1986-87)	13,326	31,570	6,627	53,296	12,460	117,279
74th (1985-86)	15,415	48,338	6,879	32,580	11,811	115,023
73rd (1984-85)	16,633	49,172	6,294	33,713	14,114	119,926
72nd (1983-84)	18,308	39,443	5,831	36,671	15,402	115,655
71st (1982-83)	11,225	36,395	5,242	38,574	11,842	103,278
70th (1981-82)	14,879	53,235	N/A	28,201	12,273	108,588
69th (1980-81)	14,117	37,878	3,414	42,379	11,060	108,848

TOTAL FILINGS IN N.M. MAGISTRATE COURTS

69th - 75th Fiscal Year's



MAGISTRATE CASELOAD FILINGS
75th (1986-87) Fiscal Year

COUNTY & CITY	CIVIL	MIS-DEMEANOR	DWI	TRAFFIC	FELONY	TOTAL
CATRON*						
Reserve	52	141	26	221	23	463
Quemado[1]	1	148	9	179	5	343
CHAVES						
Roswell	801	529	143	379	573	2,425
CIBOLA						
Grants	103	552	69	514	146	1,384
Milan	49	329	58	869	35	1,340
COLFAX*						
Raton	169	447	71	435	108	1,230
Springer[2]	7	31	9	57	1	105
Cimarron[1]	28	164	17	241	3	453
CURRY						
Clovis	860	3,310	190	1,301	495	6,156
DE BACA						
Ft. Sumner	42	42	13	39	16	152
DONA ANA*						
Las Cruces	1,253	2,717	678	3,802	1,203	9,653
Hatch[3]	23	21	1	81	1	127
Anthony[1]	38	528	11	512	1	1,090
EDDY						
Carlsbad	746	952	48	1,122	538	3,406
Artesia	290	259	53	455	71	1,128
GRANT						
Silver City	256	611	60	931	311	2,169
Bayard	89	501	82	438	157	1,267
GUADALUPE*						
Santa Rosa	12	385	28	481	27	933
Vaughn[1]	0	288	0	76	0	364
HARDING						
Roy	4	25	0	49	7	85
HIDALGO						
Lordsburg	78	927	128	588	118	1,839
LEA						
Lovington	545	311	96	745	138	1,835
Hobbs	875	976	325	1,660	512	4,348
Eunice	38	56	9	36	13	152
Tatum[4]	0	66	0	72	7	145
Jal[1]	21	13	4	3	3	44
LINCOLN*						
Carrizozo	41	125	18	68	151	403
Ruidoso	283	402	179	900	178	1,942
Capitan[3]	4	7	3	4	0	18
LOS ALAMOS						
Los Alamos	201	227	48	825	100	1,401
LUNA						
Deming	181	353	114	868	206	1,722
McKINLEY						
Gallup	300	3,530	769	7,851	863	13,313
Thoreau	2	53	0	236	0	291
MORA						
Mora	7	68	36	230	11	352

MAGISTRATE CASELOAD FILINGS
75th (1986-87) Fiscal Year

COUNTY & CITY	CIVIL	MIS-DEMEANOR	DWI	TRAFFIC	FELONY	TOTAL
OTERO*						
Alamogordo	701	1,006	292	2,021	855	4,875
Orogrande[3]	8	2	3	10	1	24
QUAY*						
Tucumcari	224	468	63	602	394	1,751
San Jon[1]	0	739	0	280	0	1,019
RIO ARRIBA*						
Chama[5]	41	141	50	188	20	440
Espanola	153	769	213	2,206	196	3,537
ROOSEVELT						
Portales	333	939	217	3,299	179	4,967
SANDOVAL						
Bernalillo	185	503	112	472	224	1,496
Cuba	1	162	32	485	34	714
SAN JUAN						
Aztec	119	1,008	498	1,754	684	4,063
Farmington	1,169	701	141	3,298	1,023	6,332
SAN MIGUEL						
Las Vegas	189	445	221	842	259	1,956
SANTA FE*						
Santa Fe	1,718	1,872	393	4,449	1,320	9,752
Santa Cruz[3]	20	99	30	282	7	438
SIERRA						
T or C	72	819	119	1,209	259	2,478
SOCORRO						
Socorro	93	577	214	1,479	179	2,542
TAOS*						
Taos	271	616	164	1,102	52	2,205
Tres Piedras[3]	6	23	0	3	5	37
Llano[3]	0	28	24	23	5	80
Questa[1]	45	237	87	324	8	701
TORRANCE*						
Moriarty	47	186	38	466	80	817
Estancia[1]	8	28	11	75	6	128
Mountainair[3]	3	17	1	13	4	38
UNION						
Clayton	87	249	10	131	43	520
VALENCIA						
Los Lunas	198	344	164	885	229	1,820
Belen	236	498	235	1,130	372	2,471
GRAND TOTALS	**13,326**	**31,570**	**6,627**	**53,296**	**12,460**	**117,279**

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* District Reorganized
1 Became Circuit Court, January 1, 1987
2 Springer Court created, July 1, 1987
3 Court closed, prior to January 1, 1987
4 Part-time Judge
5 Court relocated from Tierra Amarilla

MAGISTRATE REVENUE REPORT
75th (1986-87) Fiscal Year

COURTS	FINES & FORFEITS	CRIMINAL COURT COSTS	CIVIL COURT COSTS	LAB FEES	CORREC- TION FEES	COURT AUTO. FEES	OTHER	TOTAL
CATRON*								
Reserve	8,147	1,765	1,150	575	385	12	12	12,046
Quemado[1]	16,723	2,175	50	175	595	0	47	19,765
CHAVES								
Roswell	64,969	2,000	20,350	1,950	2,635	30	54	91,989
CIBOLA								
Grants	37,473	5,995	2,175	1,225	2,795	0	0	49,663
Milan	33,410	7,440	1,025	875	2,020	9	0	44,779
COLFAX*								
Raton	28,835	1,020	3,850	920	1,170	0	0	35,795
Springer[2]	6,857	400	175	150	1,750	0	0	7,767
Cimarron[1]	19,942	2,530	950	200	865	0	0	24,487
CURRY								
Clovis	96,661	37,860	20,850	3,450	13,208	0	296	172,325
DE BACA								
Ft. Sumner	5,835	1,040	1,025	125	275	0	184	8,484
DOÑA ANA*								
LasCruces	148,188	31,280	26,400	7,405	12,220	30	2	225,525
Hatch[3]	1,641	1,305	575	0	215	0	15	3,751
Anthony[1]	64,138	4,875	1,100	475	2,610	0	0	73,199
EDDY								
Carlsbad	60,615	10,785	17,790	775	3,895	12	0	92,872
Artesia	29,747	3,805	6,575	950	1,220	0	0	42,297
GRANT								
Silver City	38,143	8,150	6,075	2,175	2,975	9	49	57,576
Bayard	31,010	3,375	1,975	1,640	1,570	9	6	39,586
GUADALUPE*								
Santa Rosa	38,138	13,245	475	405	2,665	3	9	54,940
Vaughn[1]	18,013	6,940	0	0	1,575	6	0	26,534
HARDING								
Roy	7,541	785	100	0	175	0	0	8,601
HIDALGO								
Lordsburg	77,590	3,645	1,875	2,675	3,015	6	37	88,843
LEA								
Lovington	53,735	3,430	12,350	1,475	3,600	21	31	74,642
Hobbs	186,124	12,785	21,550	4,390	7,520	36	100	232,510
Eunice	13,913	1,220	800	100	525	0	0	16,558
Tatum[4]	8,710	1,480	0	0	775	0	0	10,965
Jal[1]	7,219	540	800	100	415	0	0	9,074
LINCOLN*								
Carrizozo	13,745	4,515	1,100	525	175	0	0	20,060
Ruidoso	11,089	1,520	3,075	1,620	1,385	30	0	18,719
Capitan[3]	9,830	1,860	3,150	1,675	1,070	0	(15)	17,570
LOS ALAMOS								
Los Alamos	20,320	2,300	4,200	1,000	2,600	48	44	30,512
LUNA								
Deming	25,945	700	3,225	1,445	2,650	9	0	33,974
MCKINLEY								
Gallup	340,919	26,580	6,925	11,980	19,310	39	7	405,760
Thoreau[4]	2,607	700	25	0	155	6	0	3,493
MORA								
Mora	8,150	2,582	425	675	920	6	30	12,788

MAGISTRATE REVENUE REPORT
75th (1986-87) Fiscal Year

COURTS	FINES & FORFEITS	CRIMINAL COURT COSTS	CIVIL COURT COSTS	LAB FEES	CORREC- TION FEES	COURT AUTO. FEES	OTHER	TOTAL
OTERO*								
Alamogordo	141,840	24,735	16,205	5,330	7,290	69	26	195,496
Orogrande[3]	195	25	100	0	5	0	0	325
QUAY*								
Tucumcari	27,210	7,730	5,375	900	1,685	18	65	41,983
San Jon[1]	16,835	3,620	0	25	1,645	3	0	67,128
RIO ARRIBA*								
Chama[5]	16,810	3,880	925	925	745	0	0	23,285
Espanola	80,640	16,950	3,205	2,075	5,525	24	39	108,458
ROOSEVELT								
Portales	113,805	13,719	7,925	2,874	6,140	0	32	144,495
SANDOVAL								
Bernalillo	18,947	4,000	4,425	925	1,890	90	0	30,277
Cuba	15,669	5,640	150	375	1,895	3	0	23,732
SAN JUAN								
Aztec	97,993	22,270	2,800	9,505	7,411	0	17	139,996
Farmington	152,547	35,660	28,970	3,978	11,690	18	50	232,914
SAN MIGUEL								
Las Vegas	44,744	9,898	4,225	3,095	3,860	0	(67)	65,755
SANTA FE*								
Santa Fe	106,551	40,502	36,395	5,025	14,105	69	482	203,139
Santa Cruz[3]	2,470	365	100	75	165	0	35	84,951
SIERRA								
T or C	57,602	20,400	1,725	1,375	3,810	3	35	84,951
SOCORRO								
Socorro	34,810	7,446	2,175	2,860	4,215	9	37	51,552
TAOS*								
Taos	24,995	7,475	6,585	2,460	3,695	21	419	45,650
Tres Piedras[3]	0	20	25	0	0	0	54	18,134
Llano[3]	2,890	260	25	350	100	0	0	3,625
Questa[1]	7,208	580	450	580	300	0	93	9,212
TORRANCE*								
Moriarty	9,780	3,440	425	125	680	3	27	14,480
Estancia[1]	12,245	3,930	950	175	780	0	54	18,134
Mountainair[3]	595	280	75	25	0	0	0	975
UNION								
Clayton	22,641	4,290	2,125	170	1,376	6	0	30,608
VALENCIA								
Los Lunas	11,590	3,460	5,175	1,875	1,590	0	105	23,795
Belen	73,750	6,349	5,370	3,605	4,185	54	15	93,329
Totals	**2,674,299**	**457,551**	**308,070**	**99,842**	**182,140**	**711**	**2,367**	**3,724,981**

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* District Reorganized
1 Became Circuit Court, January 1, 1987
2 Springer Court created, July 1, 1987
3 Court closed, prior to January 1, 1987
4 Part-time Judge
5 Court relocated from Tierra Amarilla

MAGISTRATE COURT STATEWIDE CASELOAD DISPOSITIONS
75th (1986-87) Fiscal Year

	CIVIL	MISD	DWI	TRAF	FELONY
Civil					
Uncontested /Default	4,633				
Dismissed/Withdrawn/ Settle	2,029				
Jury Trial Judgment	34				
Non-jury Trial Judgment	4,266				
Case Transferred	178				
Misdemeanor					
Guilty Plea		17,872	4,413	30,149	
DWI					
Bail Forfeiture		2,613	136	946	
Traffic					
Dismissed/Nolle Prosequi		7,753	1,104	12,430	
Jury Trial - Conviction		14	8	98	
Jury Trial - Aquittal		10	7	6	
Non-jury Trial - Conviction		877	323	1,225	
Non-jury Trial - Aquittal		395	81	903	
Case Transferred		369	93	279	
Felony					
Prelim. Held Defendant Discharged			312		
Prelim. Held Defendant Bound				1,250	
Prelim. Waived Defendant Bound				2,464	
Nolle Prosequi/Dismissed					3,466
Case Transferred					262
Total	11,140	29,903	6,165	46,036	7,754

Note: Total dispositions amounted to 100,998.

BERNALILLO COUNTY METROPOLITAN COURT
Current Roster of Judges

Division I
Mark A. Macaron

Division II
Diane Dal Santo

Division III
Tommy Jewell

Division IV
Charles R. Barnhart,
Presiding Judge

Division V
Benjamin Anthony Chavez

Division VI
Maria Caldwell

Division VII
Theresa M. Baca

Division VIII
James M. O'Toole

Division IX
Elizabeth N. Love

Division X
Frank William Gentry

Division XI
Thomas Davis

Activity Report

The Metropolitan Court has been very active during the year in developing policies and procedures to enhance the efficiency of the court. Two programs of interest are:

Pre-Trial Procedures Program

In November 1987, the Metropolitan Court adopted a pilot program of pre-trial procedures in all jury trial cases to improve attorney trial readiness, increase settlements and maximize the use of available judge and court time. These procedures involve a mandatory pre-trial order issued with a notice of pre-trial hearing to take place approximately two weeks prior to trial. The order mandates the exchange of information by counsel, including witness lists, proposed exhibits and motions. This program, in conjunction with a strict courtwide continuance policy, now affects all jury trials scheduled to begin in January of 1988.

Automated Calendaring System

A new automated case calendaring system is scheduled to begin operation in the Metropolitan Court in January 1988. This system will accommodate a display of all matters scheduled on a monthly basis for all judges over a six-month period. The system is designed to facilitate the use of various procedural devices, including pre-trial hearing settlements, to accommodate scheduling changes and to maximize court efficiency through early rescheduling of available docket times. In addition, other features of the system will provide for the easy calculation of time frames between case processing stages to facilitate the identification of bottlenecks in case flow routines and to establish reasonable case processing standards.

Statistical Report 75th (1986-87) Fiscal Year

	CIVIL	MISD	PARKING	TRAFFIC	DWI	FELONY	TOTAL
Filings	8,408	101,892	178,538	140,453	7,842	1,597	437,725
Dispositions	10,470	38,418	133,820	92,853	9,813	1,597	386,971

Civil Cases Filed	Under $2,000	Over $2,000	Total
Damages/Personal Injury	19	31	50
Property Damage	745	266	1,011
Forcible Entry and Detainer	42	9	51
Debt and Money Due Account	2,643	519	3,162
Contract	293	102	395
Bad Checks	54	5	59
Replevin	36	11	47
Back Wages	17	2	19
Other Damages	271	87	358
Restitution	3,215	41	3,256
Total	7,335	1,073	8,408

Probation Division

Monthly average of clients on supervised probation	1,322
Probation terminations	1,858
Monthly average of clients supervised by Volunteer Program	155

Pre-Trial Services Division

Clients released on own recognizance	4,286
Clients interviewed, not released	2,382
Public Defender eligibility interviews	11,743
Bonds processed at Detention Center prior to loss of funding	8,304

Educational Services

Enrollments in Petty Larceny School		720
Enrollments in DWI School		2,469
Enrollments in Driver's Improvement School		1,163
Enrollments in Domestic Violence Program		350
Community Services Program:		
Total hours assigned	131,945	
Total clients assigned	3,664	
Total $ value of hours assigned	$ 527,780	
RV-7 License Suspensions		43,016

METROPOLITAN COURT REVENUE REPORT
75th (1986-87) Fiscal Year

CATEGORY	TOTAL FOR FISCAL YEAR
Fines	$ 2,177,390.16
Bond Forfeitures	167,953.55
Correction Fees	221,645.00
School Fees	177,445.00
Court Costs	332,081.00
Crime Lab	119,198.50
Probation Costs	116,230.60
Mediation Fees	16,301.00
Automation Fees	66.00
Other	2,952.25
Total	**$ 3,331,263.06**

In addition, Bernalillo County Metropolitan Court collected $786,796.07 in its Trust Account. The Trust Account consists of money posted for criminal and civil bonds.

OTHER JUDICIAL AGENCIES

Supreme Court Building Commission

The Supreme Court Building Commission is composed of Chief Justice Tony Scarborough, Honorable Samuel Z. Montoya, ret., and Mr. John F. McCarthy. The Building Superintendent is Valentino "Tiny" C de Vaca.

The commission is responsible for the care, custody and control of the Supreme Court Building, its grounds and all furniture, fixtures and equipment used by judicial agencies housed in the building. Under the supervision of the building superintendent and his assistant, the maintenance and custodial staff perform the continuous duties of building repair and maintenance.

The Supreme Court Building was built in 1936; the addition was completed in 1964. The building houses the Supreme Court, Court of Appeals, Pre-Hearing Division, Administrative Office of the Courts, Supreme Court Law Library, MCLE office and Compilation Commission.

The building superintendent was very active during the fiscal year and the 1987 calendar year trying to answer the housing and storage needs of the building agencies; all agencies are at capacity or over capacity within their assigned quarters. The Compilation Commission will move to new offices outside the building in the first part of 1988, thereby releasing its space for use by other building tenants.

As usual, the grounds of the Supreme Court Building drew many favorable comments, particularly during the summer months. The grounds crew removed several dead trees that endangered the building or the riverbank, and further work of this type is planned for 1988.

The building commission has identified capital projects that must be done in the near future, including replacing all radiators in the original building; rewiring and installing new transformers in the original building; reroofing the addition; replacing an air conditioning unit in the Court of Appeals; repairing and overlaying the parking lots; replacing window balconies; and removing and replacing or topping trees on the north side of the building.

Tiny C de Vaca is retiring as building superintendent January 31, 1988, after 32 years of service to the Supreme Court. His dedication to the Court has been unparalleled, and the Court and other agencies in the building will sorely miss him.

Supreme Court Law Library

The Supreme Court Law Library is governed by a board of trustees composed of all justices of the Supreme Court. The board of trustees hires the library director and oversees the general management of the library. After the retirement of Jack Blum, the board instituted a national search for an attorney librarian. After interviewing several qualified candidates, the board hired Thaddeus P. Bejnar, a UNM law librarian, as the new director of the law library, starting August 15, 1987. The Supreme Court Law Library is the state's central legal library and judicial archives. The director is an ex-officio member of the state commission of public records.

Supreme Court Law Library - Activities

Public Services

Public service needs continued at a high level during the 75th fiscal year, with an estimated 300 new patrons applying for library cards. Although no hard statistics are available for book circulation, there has been no apparent decline from previous years. Members of the general public and paralegal students form an increasing fraction of the library's patrons. Westlaw use by the Supreme Court and Court of Appeals has increased. At their own request, the secretaries of both courts received training in basic Westlaw procedures, enabling them to check citations and quotations by computer. Seating, copying and other nonbibliographic services are well used, and are adequate for the present time. Patrons made over 160,000 copies on the three pay copy machines during the fiscal year. Copying services may need to be expanded in the near future, particularly for microforms, which represent an increasing part of the library's collection. As in recent years, evening and weekend hours continued to attract a small but significant number of patrons.

Budget

The library book budget was reduced by $11,600, or about 8.5 percent from the 74th fiscal year. The library addressed the problem of budget reduction and continued inflation in the law book market by canceling $5,000 worth of subscriptions and transferring $29,000 from the salaries budget item to the supplementation budget item. The money was available largely because the library lacked a director for half of the fiscal year. Despite a sizeable increase in the supplementation item for the 76th fiscal year, similar problems will likely arise in 1987-88 as they have in the past. The argument that the law library has too many resources seems untenable; rather, the acquisitions budget has been chronically underfunded. Other budget items remained stable and were sufficient for library needs. The library anticipates the need to purchase replacement equipment in the near future.

Acquisitions

The library added 2,028 new hardbound volumes in 1986-87. This represents a reduction of approximately 500 volumes from the 74th fiscal year and about 200 volumes from the 73rd fiscal year. Less than 100 volumes were new titles; the majority of 75th fiscal year acquisitions were comprised of reporters, law reviews, U.S. documents and other continuing serials. In addition, the library received nearly 6,000 supplementary items needed to keep the collection up to date. The library does not keep statistics on the U.S. depository program in which it is a participant, but it estimates receiving 7,000 pieces from the program, including hard copy and microfiche.

Exchanges

Several agreements for exchanging state laws and other material were canceled.

Inventory

During the latter part of the fiscal year, the library began a preliminary inventory of its collection. This is the first formal inventory since 1980. Staff turnover and other problems have delayed completion of the inventory; as of June 30, 1987, 70-80 percent of the material had been surveyed and creation of an actual inventory list was approximately 50 percent complete.

Personnel

The library operated with a reduced staff throughout the fiscal year. In July 1986, the position of associate librarian had been vacant for three months. The duties of this position, including heading reference services and day-to-day operations, were divided between the director and the assistant librarian. Prior to hiring a new director, all professional duties devolved onto the assistant librarian who was promoted to acting associate librarian.

The library's evening clerical position was eliminated by the legislature in the 1986-87 budget, which required an extensive alteration in normal staff schedules to fill 32 additional hours of public service in the evenings and on weekends. The expansion did not involve increased compensation to staff. Between May 1986 and May 1987, three shelvers resigned, which meant that library resources were expended for training for virtually the entire fiscal year.

The 75th fiscal year was difficult for library staff. Staff was reduced from 7.5 full-time employees to five, one of whom was in training. In addition to their technical duties, staff kept the library open to the public for 72.5 hours per week. Many needed improvements had to be postponed for lack of staff time. Under these extreme conditions, the staff has shown remarkable dedication, cooperation and initiative in performing a difficult task.

The Law Librarian has been reconstructing the library staff and procedures. Among the many initiatives begun are on IBM compatible LAN six-year automation plan for circulation, serial control and financial control; re-establishing contact with the District Courts and providing support for the District Court Libraries; establishment of Friends of the Law Library, a nonprofit corporation to help meet the needs of the legal community; creation and participation in the State Bar's Library Committee; and the development of minimum standards for District Court libraries.

Due to the extreme demands on staff in FY75, many projects and most of the statistical recording had to be abandoned. A comprehensive statistical recording program has been planned; however, its full implementation must await automation of major library functions.

The library has been brought up to full staffing, the last position being filled in January 1988. However, due to the extremely low salaries for library assistants we expect to be filling these positions again in the next six months, as average tenure in these positions has shown. Implementation of the Hay Study pay levels may provide some relief.

Unfortunately, the library was again under-funded for library materials. The library has had to cancel an additional $5,000 worth of its treatise collection, is expecting to transfer approximately $16,000 from salaries to treatises, and will still be $12,000 short. In the event that the collection is not funded with a supplementary appropriation, additional cancellations will be required and the collection will fall below the Standards for Appellate Court Law Libraries. Lastly, implementation of the automation plan awaits funding. It is unclear at this time whether this will be through a judicial automation fund or directly through the budget process.

Judicial Standards Commission

Under the terms of the Constitution of New Mexico, the Judicial Standards Commission is authorized to investigate complaints that a judge is guilty of willful misconduct in office, has persistently failed to perform or is unable to perform the duties of a judge, is habitually under the influence of intoxicating substances or is suffering from a physical or mental disability which is of a permanent nature and which renders him incapable of performing his judicial duties. The commission has no authority to interfere with the processing of a case as it wends its way through the court system; appeals of judicial decisions are through the normal judicial channels, not by appeal to the commission. Only if the judge's behavior or his reason for making the wrong decision comes within the jurisdiction of the commission will the commission undertake an investigation.

Upon receipt of a complaint, the executive director will make an initial inquiry to verify some alleged facts and to discover other information that will give the commission a basic understanding of the allegations. After determining that a complaint is within its jurisdiction, the commission will direct that the complaint be investigated by the executive director or a private attorney, or it may obtain the assistance of the Office of the Attorney General in the investigation. A notice of preliminary investigation will also be sent to the judge, informing him of the allegations and requesting his response.

Up to and including the formal hearing, the existence of an investigation is kept confidential by the commission as required by the constitution. Once the commission recommendation is filed with the Supreme Court, the matter is of public record. The Supreme Court usually sets a hearing on the commission's recommendation within a short time, and renders a decision adopting, denying or modifying the recommendation of the commission.

The commission has been in existence since June 1968, and consists of two judges, two lawyers and five lay members. Terms are staggered, and lay members serve five-year terms and lawyer and judge members are appointed for four-year terms. The chairman of the commission is Dr. Harry Thomas, a public member from Albuquerque; the executive director is Mr. Sam Jones. The commission office is located at 2539 Wyoming NE, Suite A, Albuquerque 87112.

Activities

During the 75th fiscal year, the commission received 68 complaints, four less than during the prior fiscal year. Two cases, which were closed following a determination that they were not within the commission's jurisdiction, were reopened after additional information was received. At the end of the fiscal year, the commission had disposed of 49 complaints, while 23 remained pending. This total of 23 includes the two reopened cases. The following statistical summaries detail the sources of complaints against each type of judge, and the disposition, for each of the past five fiscal years. Some totals may not correspond since a single complaint may name two or more judges. Also, more than one disposition may apply to each judge.

JUDICIAL STANDARDS COMMISSION
Caseload Report

Source of Complaint	75th FY 1986-87	74th FY 1985-86	73rd FY 1984-85	72nd FY 1983-84	71st FY 1982-83
Commission	2	2	0	0	0
Litigants	45	42	30	27	26
Citizens	3	2	3	5	1
Public Officials	1	6	2	3	5
Lawyers	4	6	1	5	3
Judges	1	0	0	3	0
Police	0	1	2	1	0
News Media	0	2	1	1	2
Anonymous	1	0	1	0	0
Prisoners	8	7	2	0	0
Victims	1	3	0	0	0
Witnesses	1	0	0	0	0
Others	1	1	0	1	1
Total	68	72	42	46	38
Judge					
Supreme Court	0	0	0	0	1
Court of Appeals	0	1	1	0	0
District Court	32	28	22	12	12
Metropolitan Court	7	7	2	11	4
Magistrate Court	15	21	10	15	8
Municipal Court	14	15	7	8	13
Probate Court	0	0	0	0	0
Total	68	72	42	46	38
Dispositions					
Out of Jurisdiction	16	29	13	9	17
Withdrawn	0	0	0	0	1
Investigated, Found Insubstantial	23	38	30	22	16
Referred to Supervising Court for Counseling	1	1	0	2	7
Professional Counseling Recommended	1	0	0	0	0
Judge Resigned, Not Reelected or Died	2	1	1	2	6
Informal Letter of Caution	5	9	0	0	0
Formal hearing before Commission	5	2	6	2	2

Disciplinary Board of the Supreme Court

The Disciplinary Board is composed of 11 members, both attorneys and nonattorneys. The chairman of the board is Mr. Keith S. Burn, an attorney from Las Cruces; chief counsel for the board is Ms. Virginia L. Ferrara. The board offices are located at 712 Sandia Savings Building, Albuquerque 87102.

The board investigates complaints filed against attorneys and either dismisses a case at the staff level or dockets it for formal investigation. As shown in the table below, there are a number of dispositions that may occur on a docketed case, from dismissal to disbarment.

Initial Contacts

Complaints Filed	613
Complaints Carried into 1986-1987	27
Cases Actually Handled	640

Dispositions of Complaints

	Informal Action	Formal Action
Dismissed at staff level	491	
Docketed for Formal Investigation	85	85
Pending determination as of June 10, 1987	64	
Cases Actually Handled	640	
Docketed Cases Carried into 1986-1987		65
Total Docketed Cases		150

Disposition of Docketed Cases

Dismissed with concurrence of Reviewing Officer	12
Dismissed with a Letter of Caution	22
Informal Admonition Issued	21
Formal Action	
Tried and Charges Not Sustained	8
Formal Reprimand by the Board	7
Formal Reprimand Plus Probation	0
Formal Reprimand Deferred (with Probation)	1
Public Censure by the Court	1
Public Censure plus Probation	0
Suspension	7
Disbarred	15
Reinstatements Granted	2
Reinstatements Denied	2
	90

Status of Remaining Docketed Cases

Under Investigation	21
Suspension Pending Disposition in Related Litigation	5
Before Reviewing Officer	5
Charges in Preparation	4
Charges Pending before Hearing Committee	15
Findings Pending Review by Disciplinary Board	3
Recommendations of Board Pending before Supreme Court	7
Total Docketed Cases Carried into 1987-1988	60

New Mexico Compilation Commission

The Compilation Commission is a statutory, quasi-judicial commission made up of the chief justice, chief clerk of the Supreme Court and the attorney general. Current members are the Honorable Tony Scarborough, Ms. Rose Marie Alderete and Attorney General Hal Stratton. The director of the compilation commission is Mr. Gary O'Dowd.

The Compilation Commission serves as the publisher of the laws, court rules, instructions, forms, court opinions, attorney general opinions and judicial benchbooks. It also is required by law to maintain certain data bases. In 1986, the functions of the commission were consolidated in Santa Fe. Since that time, the commission has concentrated on creating data bases of the laws, court rules, instructions, forms and Supreme Court and Court of Appeals opinions. Its statutory functions and duties are carried out under the direction of a five-member advisory committee.

Recompilation

In late 1986, the commission published a recompilation of Supreme Court rules, instructions and forms.

Session laws

In cooperation with the Secretary of State, the commission assists in the publication of the Session Laws. It is the goal of the commission to assure delivery of the Session Laws to the Secretary of State within 30 days after the last bill is signed by the Governor.

Compilation

As mentioned above, the commission is required to compile and publish all current general laws enacted by the legislature. The commission staff prepares tables of all laws, by section, to assure that all are published, and proofreads all laws to ensure that the NMSA 1978 contains the correct copy of the laws. As shown by the following table, 1987 was a record year for new laws.

Publication of Laws

	1983	1984	1985	1986	1987
Session Law Pages	2130	1637	1812	1217	2785
Supplements and Replacement Pamphlet Pages	5514	5270	5090	4592	7443

In 1986, the commission contracted with the Michie Publishing Company to prepare and keep current a complete data base of the New Mexico laws. Beginning with the 1988 supplements, all laws will be updated by using a machine copy of the enrolled and engrossed version of the laws provided by the Legislative Council Service. This will eliminate typographical errors in the compilation and will control increasing costs. All court rules, instructions and forms are also coverted, by commission staff, and sent to Michie in machine-readable form.

Sales

Sales of commission publications increased from $297,400 in the 74th fiscal year to $338,000 in the 75th fiscal year. This increase has resulted in increased expenditures for inventory. At the present time, the commission is automating its inventory and invoicing procedures, and in future years comparisons will be available.

Data Bases

The following data bases are currently available:

(1) Supreme Court and Court of Appeals Opinions are available through Lexis and Westlaw; opinions published since July 1, 1987 are also available through Technet/Legalnet;

(2) New Mexico Statutes are available through Lexis and Westlaw; and

(3) advance court rules, instructions and forms issued since last supplements (March 1, 1987) are available through Technet/Legalnet; uniform jury instructions and court-approved criminal and civil forms are currently being converted for transfer to Technet/Legalnet.

Inventory

(1) **NMSA 1978:** In addition to distributing 1,000 full sets of the NMSA, the commission assembles and prepares instructions for 1,000 partial sets. There are 36 types of partial sets at the present time.

(2) **New Mexico Reports:** The commission serves as the exclusive source for New Mexico Reports published by West Publishing Co. The Reports includes all New Mexico Supreme Court and New Mexico Court of Appeals Opinions.

(3) **Attorney General Opinions:** The commission serves as the exclusive source for bound Attorney General Opinions and indices.

Contractual Duties

Through a contract with the Supreme Court, the commission acts as staff for Supreme Court-appointed rules committees. The commission drafts court rules, instructions and forms for committee and Court approval. During the 75th fiscal year, the commission prepared uniform jury instructions for Securities Act violations and RICO violations.

Supreme Court and Court of Appeals Opinions

In addition to publication in New Mexico Reports, all appellate court opinions are published in the Bar Bulletin. The commission is responsible for conversion and transmittal of these opinions to the State Bar and for proofreading the opinions prior to publication.

Attorney General Opinions

The commission is preparing an index of the Attorney General Opinions of former Attorney General Paul Bardacke. These opinions, along with more than 100 advisory letters, will be published by the commission in the next six months.